



Parliament of
South Australia

ANNUAL REPORT

OF THE

ABORIGINAL LANDS PARLIAMENTARY

STANDING COMMITTEE

2006/2007

Laid on the Table of the Legislative Council and ordered to be printed on 26 February 2008

Second Session, Fifty-First Parliament

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1 PRESIDING MEMBER'S STATEMENT

I am pleased to present the Annual Report of the Aboriginal Lands Parliamentary Standing Committee for the financial year ending 30 June 2007.

This Committee is the only Standing Committee of the South Australian Parliament with a statutory obligation to report annually on its work. The Committee is mindful of the importance of that obligation and the opportunity it provides to bring the concerns and aspirations of Aboriginal people before Parliament and the wider community.

Since the Committee was established in 2003, its first priority has been to consult with Aboriginal people in their home communities and to engage with their elected representatives and leaders. As an Aboriginal community leader stated to the Committee, the “days are over where Aboriginal communities will accept things that are ‘good for you’. We want to understand what it is really about. We are entitled to that. We should be treated with respect.”¹

During the course of the reporting year the Committee has faithfully committed itself to this fundamental priority of Indigenous engagement, visiting, consulting and hearing evidence from an extensive range of Aboriginal communities and organisations across South Australia, including Community Councils, health clinics, schools, youth centres, CDEP organisations, arts and craft centres, and accommodation centres.

Those consultations have further developed the Committee’s understanding of the way services and programs are delivered to Aboriginal people, as well as providing the Committee members, as legislators, with insights into how government policy impacts upon Aboriginal people’s lives, their communities and their country.

In particular, during this reporting period, the Committee has conducted two specific inquiries in regard to access to Aboriginal lands, and Commonwealth municipal services funding, which have enabled the Committee to understand in greater detail Indigenous views and concerns regarding government policy changes.

I would like to thank the Committee members, past and present for their dedication and hard work, and all those across government and the non-government sector who have contributed to the work of the Committee during the period of this report.

In particular, I would like to thank all of the Aboriginal communities and Aboriginal people the Committee has met over the past year, appreciating their openness, generosity of spirit, and insights. The Committee has much to learn from Aboriginal people, and I wish to pay tribute to their community strength, resilience and knowledge.

¹ Evidence M McKenzie 13 June 2007 Q648

The Aboriginal Lands Parliamentary Standing Committee, is strongly committed to continuing and further developing its positive relationships with Indigenous South Australians, in order to work in partnership towards equality of opportunity for all.

Hon Jay Weatherill, MP
PRESIDING MEMBER
26 February 2008

2 MEMBERSHIP OF THE COMMITTEE

The Aboriginal Lands Parliamentary Standing Committee is established under the *Aboriginal Lands Parliamentary Standing Committee Act 2003*. The Minister for Aboriginal Affairs and Reconciliation is its Presiding Member. Its six other Members are drawn equally from the Legislative Council and the House of Assembly.

At the commencement of the reporting period, the membership of the Committee consisted of:

Hon Jay Weatherill MP (Presiding Member)

Ms Lyn Breuer MP

Hon Andrew Evans MLC

Hon John Gazzola MLC

Hon Michelle Lensink MLC (til 24 April 2007)

Dr Duncan McFetridge MP

Hon Lea Stevens MP

Following the resignation from the Aboriginal Lands Parliamentary Standing Committee of The Hon Michelle Lensink MLC on 24 April 2007, The Hon Terry Stephens was appointed as a member of the Committee.

Accordingly from 24 April 2007, the membership of the Committee consisted of:

Hon Jay Weatherill MP (Presiding Member)

Ms Lyn Breuer MP

Hon Andrew Evans MLC

Hon John Gazzola MLC

Dr Duncan McFetridge MP

Hon Terry Stephens MLC

Hon Lea Stevens MP

Following the resignation of Mr Jonathan Nicholls (the Committee's Executive/Research Officer), Ms Sarah Alpers commenced duties in this position on 30 April 2007.

3 FUNCTIONS OF THE COMMITTEE

The functions of the Committee, as set out in section 6 of the *Aboriginal Lands Parliamentary Standing Committee Act 2003*, are:

- (a) to review the operation of the *Aboriginal Lands Trust Act 1966*, the *Maralinga Tjarutja Land Rights Act 1984*, and the *Pitjantjatjara Land Rights Act 1981*²; and
- (b) to inquire into matters affecting the interests of the traditional owners of the lands; and
- (c) to inquire into the manner in which the lands are being managed, used and controlled; and
- (d) to inquire into matters concerning the health, housing, education, economic development, employment or training of Aboriginal people, or any other matter concerning the welfare of Aboriginal people; and
- (e) to consider any other matter referred to the Committee by the Minister; and
- (f) to perform any other functions imposed on the Committee under this or any other Act or by resolution of both Houses of Parliament.

² On 27 October 2005, the *Pitjantjatjara Land Rights (Miscellaneous) Amendment Act 2005*, came into operation. Accordingly, the name of the *Pitjantjatjara Land Rights Act 1981*, became the “*Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*.”

4 ACTIVITIES OF THE COMMITTEE: SUMMARY

In the year ending 30 June 2007, the Aboriginal Lands Parliamentary Standing Committee has sought to build upon its positive relationships with Aboriginal communities throughout the State, and with the Aboriginal Lands Trust, Maralinga Tjarutja and Anangu Pitjantjatjara Yankunytjatjara.

During the year, the Committee visited and consulted with the following Aboriginal communities:

- Koonibba
- Alinytjara Wilurrara Transitional Accommodation Centre and 18 Tank Camp
- Yalata
- Oak Valley
- Umoona
- Mimili
- Fregon
- Davenport

The Committee also visited Maralinga Village and Section 400, Umuwa and Bungala Aboriginal Corporation (CDEP).

Additionally the Committee heard formal evidence from the following Aboriginal organisations and communities:

- Maralinga Tjarutja
- Oak Valley
- Aboriginal Lands Trust
- Raukkan Aboriginal Community
- Koonibba Aboriginal Community
- Tjutjunaku Worka Tjuta (CDEP Ceduna)
- Davenport Aboriginal Community
- Umoona Aboriginal Community

On each of those occasions the Committee was able to hear directly from Aboriginal people and learn of their achievements, current experiences and concerns, and future goals. An account of those visits and associated activities is found in section 6 of this report.

During the reporting period, the Committee held 16 formal meetings, including meetings at Maralinga Village and Oak Valley Community, with 14 meetings held at Parliament House.³ Those meetings were occasions for the Committee to receive evidence and to deliberate on matters put before it. Summaries of the evidence received appear in section 7 of this report. The names of the witnesses, along with the dates of their appearance, are listed in Appendix B.

Following upon the breadth of information presented to the Committee during its community consultations and at formal meetings, the Committee, on many occasions, resolved to seek further and/or more detailed information from State and Federal agencies, and from non-government organisations. Responses to those requests, along with other documents formally received by the Committee, are listed in Appendix C.

During the reporting period the Committee also conducted two inquiries regarding:

- its response to the Commonwealth Department of Families, Community Services and Indigenous Affairs' discussion paper on access to Aboriginal lands⁴
- the impact of Australian Government changes to municipal services funding upon four Aboriginal communities in South Australia.⁵

The Committee tabled its 2005/2006 Annual Report on 20 February 2007.⁶

³ See Appendix A Schedule of Meetings.

⁴ See section 8.1 and report attached as Appendix D.

⁵ See section 8.2. The Committee's report upon this inquiry was tabled in the South Australian Parliament on 25 July 2007, (outside the reporting period) and is available on the South Australian Parliamentary website <http://www.parliament.sa.gov.au/>. Follow the links "Committees/Standing Committees/ALPSC/Tabled Reports."

⁶ The ALPSC 2005/2006 Annual Report is available on the South Australian Parliamentary website <http://www.parliament.sa.gov.au/>. Follow the links "Committees/Standing Committees/ALPSC/Tabled Reports."

5 ABORIGINAL LAND-HOLDING STATUTORY AUTHORITIES

The first function of the Committee, as set out in section 6 of the *Aboriginal Lands Parliamentary Standing Committee Act 2003*, is:

- (a) to review the operation of the *Aboriginal Lands Trust Act 1966*, the *Maralinga Tjarutja Land Rights Act 1984*, and the *Pitjantjatjara Land Rights Act 1981*.

The Committee fulfils this function, in part, by developing strong relationships with the land-holding statutory authorities established under those three Acts.

The Committee notes with appreciation the extent to which the Aboriginal Lands Trust, Maralinga Tjarutja and Anangu Pitjantjatjara Yankunytjatjara have endeavoured to keep the Committee informed of their respective work, programs and plans through the provision of copies of reports, correspondence and other relevant documentation.

5.1 Aboriginal Lands Trust

The Aboriginal Lands Trust (the Trust) is established pursuant to the *Aboriginal Lands Trust Act 1966*, which was the first Aboriginal Lands Trust legislation in Australia. The Act ensured that titles to existing Aboriginal reserves were held in trust on behalf of all Aboriginal people in South Australia.⁷

The core statutory functions of the Trust are “to receive, accept, hold, acquire by means of agreement, or exchange, possess, and to dispose of property of every kind” for and on behalf of local Aboriginal communities.⁸

The Trust holds the titles for 63 properties, comprising approximately 490,000 hectares of land.⁹ The majority of those properties are leased by the Trust to Aboriginal community councils, organisations or individuals who reside on, develop or manage them.¹⁰ The Trust also supervises natural resource management programs to improve the condition of the land.¹¹

Properties controlled by local Aboriginal communities under 99-year lease arrangements with the Trust include: Davenport, Gerard, Koonibba, Nepabunna, Point Pearce, Raukkan, Umoona and Yalata. In the year ending 30 June 2007, the Committee visited three of those communities, Yalata, Umoona and Davenport (see sections 6.1.9, 6.2.4 & 6.3.4).

⁷ *Aboriginal Lands Trust Annual Report 2005/2006*, page 3.

⁸ Section 5(2), *Aboriginal Lands Trust Act 1966*.

⁹ *Aboriginal Lands Trust Annual Report 2005/2006*, page 3

¹⁰ *Aboriginal Lands Trust Annual Report 2004/2005*, page 6.

¹¹ *Aboriginal Lands Trust Annual Report 2005/2006*, page 3

The Committee first met with representatives of the Aboriginal Lands Trust on 25 March 2004, and first took formal evidence from it on 31 March 2004. During the reporting period formal evidence was taken from the Aboriginal Lands Trust Board on 4 December 2006. Also on that date the Committee hosted a luncheon for the Aboriginal Lands Trust in celebration of the 40th anniversary of the passing of the *Aboriginal Lands Trust Act 1966* (see section 7.4).

5.2 Maralinga Tjarutja

Maralinga Tjarutja is established pursuant to the *Maralinga Tjarutja Land Rights Act 1984*. Its statutory functions are:

- (a) to ascertain the wishes and opinions of traditional owners in relation to the management, use and control of the lands and to seek, where practicable, to give effect to those wishes and opinions; and
- (b) to protect the interests of traditional owners in relation to the management, use and control of the lands; and
- (c) to negotiate with persons desiring to use, occupy or gain access to any part of the lands; and
- (d) to administer land vested in Maralinga Tjarutja.¹²

The Committee first took formal evidence from representatives of Maralinga Tjarutja on 24 March 2004. During the reporting period, in August 2006, the Committee took further formal evidence from representatives of Maralinga Tjarutja and Oak Valley community (see section 7.1) and visited Maralinga Tjarutja's Ceduna office, Maralinga Village and the Oak Valley community (see sections 6.1.2, 6.1.10 & 6.1.11).

5.3 Anangu Pitjantjatjara Yankunytjatjara

Anangu Pitjantjatjara Yankunytjatjara is established pursuant to the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*. Its statutory functions are:

- (a) to ascertain the wishes and opinions of traditional owners in relation to the management, use and control of the lands and to seek, where practicable, to give effect to those wishes and opinions; and
- (b) to protect the interests of traditional owners in relation to the management, use and control of the lands; and
- (c) to negotiate with persons desiring to use, occupy or gain access to any part of the lands; and
- (d) to administer land vested in Anangu Pitjantjatjara Yankunytjatjara.¹³

¹² Section 5(1) *Maralinga Tjarutja Land Rights Act 1984*.

¹³ Section 6(1) *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*.

The Committee first took formal evidence from representatives of the *Anangu Pitjantjatjara Yankunytjatjara Executive Board*, as it is now known, on 26 May 2004.¹⁴ During the reporting period in October 2006, the Committee visited two APY Lands Communities (Mimili and Fregon) and attended celebrations at Umuwa to mark the 25th anniversary of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* (see sections 6.2.1, 6.2.2 & 6.2.3).

¹⁴ At that time, the Executive Board was known as “the Anangu Pitjantjatjara Executive Board.” The names of the Act, the body corporate and its Executive Board all officially changed on 27 October 2005, when the *Pitjantjatjara Land Rights (Miscellaneous) Amendment Act 2005* came into operation.

6 VISITS TO ABORIGINAL COMMUNITIES

During the reporting period, the Committee visited and consulted with a number of local Aboriginal communities and community-controlled organisations. Some of those occasions provided opportunities for the Committee to meet with representatives of Commonwealth, State and Local government organisations. Brief summaries of those visits and associated activities are provided below.

Please note: Many of the issues raised during community visits and consultations are long-standing and ongoing concerns. Whilst not wishing to diminish either the importance of those concerns or the passion with which they were expressed, it must be stressed that the following sections report on what the Committee saw and heard at particular points in time.

6.1 Far West Coast

From 8-11 August 2006, the Committee visited the Aboriginal communities of Koonibba, Yalata and Oak Valley, as well as Maralinga Village and Section 400. The trip also afforded an opportunity to visit the Maralinga Tjarutja Ceduna Office, Alinytjara Wilurrara Transitional Accommodation Centre and 18 Tank Camp. Committee members met with staff from the District Council of Ceduna, Country Health SA, Eyre Regional Development Board, the Ceduna Aboriginal Family Violence Prevention Legal Service, and the Ceduna Indigenous Coordination Centre.

6.1.1 Koonibba Aboriginal Community

On 8 August 2006, the Committee visited the Koonibba Aboriginal Community. Whilst there it met with members of the local community, visited the primary school and was taken on a tour of local points of interest. The following matters were raised during the Committee's visit:

- transportation
 - High fuel costs and the absence of any public transportation options have a significant impact on community members. For example, residents have to travel to Ceduna to shop (an 80km round trip) as there is no store in Koonibba.
 - The community has only one roadworthy bus (a 12-seater owned by the local women's group) for a population of approximately 160.
- health services
 - There is a need for an expansion of the services provided by the Ceduna-Koonibba Aboriginal Health Service, including the appointment of a male Aboriginal Health Worker.

- housing and construction
 - The community has established a construction company (“Koonibba Building Association”) which will undertake any major upgrades of community housing, as well as general repair and maintenance work.
 - Three community members have completed carpentry and joinery apprenticeships. A project to build five new houses was under development and would employ some local workers.
- CDEP program
 - Koonibba has 49 CDEP participants.
 - Participants complete 12 hours of work per week (over two days) for which they receive a weekly gross payment of \$212 (approximately \$20 more than they would receive as a recipient of a Centrelink payment).
- rubbish collection and rates
 - The Commonwealth Department of Families, Community Services and Indigenous Affairs (FaCSIA) funds the District Council of Ceduna \$40,000 per annum to collect the community’s household waste on a weekly basis. The Committee heard that FaCSIA had not allowed Koonibba to tender for this contract.
 - The community pays approx \$12,000 per annum to the District Council of Ceduna in rates and for access to the Tod-Ceduna water supply system. These payments are additional to standard charges for water usage.
- Indigenous Community Volunteer (ICV)
 - Under the auspices of the ICV program, an artist will be visiting for a month to assist with art classes.

6.1.2 Maralinga Tjarutja Ceduna Office

The Committee visited the Ceduna office of Maralinga Tjarutja on 8 August 2006. There it met with Mr Bob Ramsay (General Manager, Maralinga Tjarutja) and Ms Kali Moschos (Administration Secretary, Maralinga Tjarutja).

The following topics were discussed:

- Maralinga Tjarutja Council and administration
 - As an organisation, Maralinga Tjarutja (MT) has had to be substantially rebuilt over the last year.
 - The first formal meeting of the Council will be held on 22 August 2006, at which a “policy and procedures package” would be presented by the General Manager. Council will be encouraged to adopt a comprehensive meeting schedule of 12 meetings per year according to its constitution and to set a fixed date for its Annual General Meeting. This arrangement will allow the organisation to meet audit and reporting requirements.

- The Department of Employment and Workplace Relations (DEWR) has agreed to fund an external consultant to provide governance training over the next 12 months. This funding is dependent on MT completing a capacity-building plan.
- Two separate councils operate in relation to the MT Lands:
 - Council of Maralinga Tjarutja: comprised of those Traditional Owners who are recognised as the leaders. Not all leaders live on the MT Lands. Some reside at Tjuntjuntjara, Indulkana and Coober Pedy. The Council has responsibility for managing, controlling and protecting the MT lands.
 - Oak Valley Council: an elected body comprised of Oak Valley residents. It has oversight of the community, its development, infrastructure and provision of services.
- Maralinga Piling Trust (MPT)
 - MPT manages the compensation monies that the Commonwealth provided in 1995. It has grown the principal from \$13.5 million to \$20 million and only uses/spends interest earned on the principal.
 - The original compensation monies allocated \$2.5 million to the Tjuntjuntjara people (WA) and \$11 million to the people of Oak Valley. (The Committee was told that Yalata community had declined an invitation to join MPT). These allocations are managed as one Trust, though the spending and earnings of each group are identifiable. Of the \$20 million currently held in the Trust, \$16 million belongs to Oak Valley and \$4 million to Tjuntjuntjara.
 - MPT's legal advisor is Mr Andrew Collett.
- economic/employment projects
 - MT has negotiated a two-year contract with Lost Sands, a sand mining exploration company, to construct many hundreds of kilometres of access tracks.
 - In preparation for this work, 24 Anangu will be provided with civil construction plant equipment training through "Training Statewide".
 - The training will be provided in two fortnight-long programs following which all participants will hold plant tickets to operate bulldozers, graders, backhoes and bobcats.
 - The second part of MT's agreement with the exploration company covers the rehabilitation of the tracks.
 - MT has purchased a bulldozer using funds loaned from the Maralinga Piling Trust.
 - MT plans to use the same team of workers and equipment for the proposed redevelopment of Maralinga Village.

- Fourteen land management traineeships are being established and funded by the Alinytjara Wilurrara Natural Resource Management Board through the Aboriginal Lands Trust.
 - Seven participants will come from Oak Valley and seven from Yalata. Two will be full-time for three months, with the other twelve being engaged three days a week.
- permits
 - Ms Kali Moschos provided the Committee with a detailed explanation of how applications for permission to enter the MT Lands are processed.¹⁵
 - The Committee was told that the current system not only protects the local community; it also protects the visitor, who may not take the necessary precautions for travelling in isolated areas, or who might unwittingly enter a sacred/restricted area.
 - In the last two years, MT has not declined any permit requests.
 - MT receives very few requests for media access (three in the last two years). Media do not usually want to visit Oak Valley and are more likely to want to visit the Unnamed Conservation Park or to traverse the access roads to Maralinga Village.
 - MT asks applicants to apply four to six weeks in advance. The time is used to determine if cultural 'business' is being conducted in the area that the visitor plans to visit.
- mining
 - Maralinga Tjarutja intends to arrange for representatives from Primary Industries and Resources SA (PIRSA) to travel to Oak Valley to explain the mining exploration/exploitation process to the Traditional Owners. This will include the provision of coloured detailed maps of all of the exploration licenses that have been issued for the MT Lands.
- redevelopment of Maralinga Village
 - MT General Manager, Mr Bob Ramsay indicated that he has been involved in planning for the redevelopment of Maralinga Village since 2002, (initially as an outside consultant, and now as General Manager) and believes that Maralinga Tjarutja may need to seek an amendment to the *Maralinga Tjarutja Land Rights Act 1984* so that it can issue tourist passes for visitors travelling to Maralinga Village.

¹⁵ Prior to the visit, the Committee received a letter and attachments from Maralinga Tjarutja regarding the operation of the permit system established under the *Maralinga Tjarutja Land Rights Act 1984*. Appendix C Documents Received 28 August 2006 (D294). See also section 8.1 Response to the Commonwealth Department of Families, Community Services and Indigenous Affairs' discussion paper on access to Aboriginal lands.

6.1.3 Alinytjara Wilurrara Transitional Accommodation Centre and 18 Tank

The Committee visited the Alinytjara Wilurrara Transitional Accommodation Centre on the afternoon of 8 August 2006. There, Ms Donna Ware, General Manager, provided the Committee with a tour of the facilities and answered questions about the centre's operations. At the time of the visit, most clients had gone into Ceduna for the day.

At the invitation of the Manager, the Committee briefly re-visited the Centre around 7.00pm. At the time of the second visit, a number of clients had returned to the camp and were partaking of their evening meal.

In the course of the afternoon visit, the Committee learnt that:

- Approximately 45 clients were then residing at the centre (maximum capacity is 77).
- Each resident contributes to the cost of their accommodation/meals. These charges vary according to type of accommodation provided.
- At the time of the visit, residents were charged \$40 per week if they were accommodated in a fixed unit (with additional persons housed in the same unit being charged \$30) and \$30 per week if they were accommodated in a tent. The payments entitle residents to a daily breakfast and evening meal.
- Although the fixed units are designed to house a maximum of four persons, it is not unusual for a larger number of people to be accommodated in them.
- At the time of the visit, residents could stay at the Centre for a maximum period of six weeks. When the Committee had previously visited the centre in November 2004, a number of elderly people and people with disabilities lived there on a semi-permanent basis.¹⁶

Ms Ware also guided the Committee on a brief drive-through of 18 Tank (a bush camp situated about 3 kilometres from the Centre).

6.1.4 District Council of Ceduna

On Tuesday 8 August 2006, the Committee met with three representatives from the District Council of Ceduna: Mr Ken McCarthy (Mayor), Mr Tony Irvine (Chief Executive Officer) and Mr Trevor Smart (General Manager, Corporate Services). The meeting was held at the Ceduna Indigenous Coordination Centre.

The following matters were discussed:

- Alinytjara Wilurrara Transitional Accommodation Centre and 18 Tank camp
 - The Council believes that the Alinytjara Wilurrara Transitional Accommodation Centre is working well, and believes its success is largely due to the efforts of a manager who enforces the Centre's rules.

¹⁶ See ALPSC Annual Report 2004/2005 pp 24-26.

- People who are too drunk and/or violent to be allowed to stay at the Alinytjara Wilurrara Transitional Accommodation Centre tend to congregate outside the perimeter fence or camp at 18 Tank.
- In response to community complaints, Council has removed large amounts of blankets, swags and other materials from 18 Tank. This action has led to some confrontations.
- The Council is reluctant to establish facilities at 18 Tank as it feels that this would only encourage Aboriginal people to leave their home communities and camp in the bush around Ceduna. The Council wishes to avoid creating a situation comparable to the town camp environment in Alice Springs.
- The Council noted that the 18 Tank bush camp is predominantly used between the months of October and March.
- alcohol
 - The Committee was told that the Aboriginal Legal Rights Movement has advocated establishing an identity system that would require Aboriginal people from Yalata and Oak Valley to present an ID card when purchasing alcohol in Ceduna and surrounding towns.
 - Under the proposed system, purchases would be limited to mid-strength alcohol (3.5% proof or less).
 - Council representatives expressed their support for this proposal, noting that it could play an important role in countering Ceduna's negative public image.
- education and health
 - The Council spoke of the critical importance of addressing health and education problems, particularly for Aboriginal children and youth.
 - The Council funds a youth centre that is well attended but there is a need for the Education Department to work with the Council on providing after-school centres and programs.
 - Council representatives stressed the importance of providing education in a format that interested Aboriginal pupils and that was responsive to their needs.
 - Council representatives suggested that truancy was a significant problem in relation to students from Yalata and Oak Valley with a need for improved services from local truancy officers.
- regional centres
 - Council representatives stated that regional centres like Ceduna, Port Augusta and Coober Pedy carry an unfair burden in having to provide services and programs to Aboriginal people from remote communities. They need to be provided with additional funding and resources.

- management within remote communities
 - Council noted that the standard of management provided within remote Aboriginal communities has a profound flow-on effect for towns like Ceduna.
 - Staff in those communities rapidly burn out, typically lasting only one or two years.
- Yalata bus service
 - Over the last year a weekly bus service has been successfully transporting Yalata people to and from Ceduna.
 - Bus service has only 12 months funding. A local contractor is hired through the Department of Transport with funding provided by the State Department for Families and Communities.
 - If additional funding is not obtained, the service will cease on 21 December 2006.¹⁷
- dry-zone extension¹⁸
 - Council representatives indicated that an extension of the Ceduna dry zone had been approved until 2008. However, an application to expand the area covered by the dry-zone had been unsuccessful. The Council noted that the application to expand the dry-zone had the unanimous support of the Ceduna Social Services Committee.
 - The Council would like local Aboriginal communities to establish an Aboriginal Advisory Committee which could identify the persons or parties with whom the Council needs to consult in relation to particular proposals and ventures.
- sports and recreation
 - The Council administers the Far West Football League recognising that AFL players can be role models for local youth, and they are intending to arrange for some AFL players to visit the Council region.
 - In the last year Council had employed a Sports and Recreation Officer, based at the Ceduna Youth Centre.
- infrastructure and regional development
 - Council representatives highlighted the importance of projects like Iluka Mining and the Ceduna Marina, as they have the capacity to create a significant number of new jobs in the region.

¹⁷ In response to the Committee's request for further information regarding the Yalata bus service, the Department for Families and Communities stated that a recent review of the service found it to be highly successful and that options for its long-term funding were under consideration. Appendix C Documents Received 27 September 2006 (D314).

¹⁸ "Application for Extension of Dry Areas Legislation: Ceduna and Thevenard Townships" District Council of Ceduna, (February 2006). Appendix C Documents Received 28 August 2006 (D290).

- Council representatives further noted that Aboriginal people will only be able to capitalise on such opportunities if they have the necessary literacy and numeracy skills.

6.1.5 Head of Bight Whale Watching Centre/Eyre Regional Development Board

On 8 August 2006, the Committee met with representatives from the Eyre Regional Development Board (ERDB): Ms Jane Lowe (Development Manager) and Mr Mark Comas (Deputy Chair of the Board). The meeting was held at the Ceduna Indigenous Coordination Centre (ICC). On 9 August 2006, the Committee inspected the whale watching facilities at Head of Bight.

A PowerPoint presentation given by Ms Lowe provided the Committee with an overview of the development of the Head of Bight Whale Watching Centre (HoB). The Committee received a paper copy of the presentation, along with documentation detailing the implementation of the HoB “Business Plan Project.”¹⁹

Key points highlighted in the presentation and discussion included:

- The Head of Bight whale watching venture has been officially operating since 1997, and is now an integral part of the region’s tourism profile. In 2005, 21,428 visitors accessed the viewing facilities between May and October.
- In the late 1990s, some key Aboriginal leaders recognised the potential benefits of the site for Aboriginal people. In June 2001, the Eyre Regional Development Board brought together representatives from Yalata community, Aboriginal Lands Trust, ATSIC, SA Tourism Commission, and State and Commonwealth agencies, to establish a Head of Bight Steering Committee and a Memorandum of Understanding (MoU).
- Since 2001, the Steering Committee has developed a business plan, upgraded the infrastructure at HoB, contracted interim managers for the 2005 season, and engaged consultants to implement the business structure.
- Yalata community has agreed to a long-term leasing out of the HoB facilities.
- In June 2006, the Aboriginal Lands Trust (ALT) called for Expressions of Interest from parties interested in acquiring a long-term lease to run the facility. ALT hopes to be able to finalise arrangements in time for the 2007 whale season.
- In the longer term, ERDB, ALT and other parties hope to assist Yalata and Oak Valley communities to develop tie-in ventures at Colona Station (mulloway fishing), Maralinga Village (camels to whales tours) and through cultural tours. The Committee was told these ventures could operate both within and outside of the whale watching season.

¹⁹ Appendix C Documents Received 28 August 2006 (D296).

- Last year the income generated by HoB significantly increased from approximately \$11,000 (in previous years) to \$169,000.
- The ERDB representatives noted that the Aboriginal Lands Trust (ALT) operates with very limited resources and lacks ongoing access to legal, commercial and managerial expertise. ERDB believes it is crucial for ALT to receive support to increase its capacity to undertake economic development.
- ERDB noted that recent achievements were heavily dependent upon the commitment and skills of key people and stressed the critical importance of putting resources into succession planning and mentoring.
- The Committee heard that the Head of Bight development still has a long way to go, with the next two to three years being particularly critical in terms of its long-term success.



Head of Bight Whale Watching platform (8 August 2006).



Head of Bight (8 August 2006).

Left to right: Mr Taiira Rivers, Ms Lyn Breuer MP, Dr Duncan McFetridge MP, Hon Michelle Lensink MLC and Hon Lea Stevens MP

6.1.6 Ceduna Aboriginal Family Violence Prevention Legal Service

The Committee met with Ms Julia Lansley, Principal Solicitor, Ceduna Aboriginal Family Violence Prevention Legal Service (CAFVPLS) on Tuesday 8 August 2006. The meeting took place in the meeting room of the Ceduna Indigenous Coordination Centre (ICC). Ms Maree McColm, Manager, Ceduna ICC, also participated in the discussion.

CAFVPLS delivers advocacy and support to Indigenous families and communities around issues of family violence. Its services include:

- legal information, advice and representation in family violence, family law, child protection, criminal injuries and compensation matters
- crisis counselling, family violence counselling and counselling referrals.

The Committee was told that family violence is a major problem both within Ceduna and across the broader west coast region, with the more severe acts of violence occurring mainly between spouses.

At the time of the visit, Ms Lansley had worked for CAFVPLS for six months. During that period, she had provided legal advice and assistance for around 120 instances of family violence. In the week prior to the Committee's visit, CAFVPLS had worked with four women requiring protection from family violence situations. The Committee was told that the lack of an appropriate safe house facility in Ceduna greatly impacted on CAFVPLS and other agencies' capacity to assist these and other Aboriginal women and children, and in some circumstances led to women and children having little option but to return to violent situations.

In the course of a wide ranging discussion, the Committee heard:

- Some senior Aboriginal women at Yalata have recently taken a courageous public stand against abuse and have been instrumental in charges being laid against an alleged perpetrator of sexual abuse on young women and children.
- Government and non-government agencies, in consultation with the community, have formulated a recovery plan for the Yalata community.
- Agencies now regularly visit Yalata in an effort to build an understanding of the steps that local community members can take to protect themselves and prevent future abuse.

In talking with the Committee, Ms Lansley noted:

- the importance of police officers observing rigorous investigation procedures to maximise the opportunities for successful prosecutions in the family violence area and for comprehensive forensic procedures to be observed
- the frustration some police officers experience when victims, for complex reasons, do not want to proceed with the matter (for example the victim may be afraid of payback from the perpetrator or their family if they give evidence, or of alienating themselves from their own family structure).

Ms Lansley further explained that:

- CAFVPLS is trialling a restorative justice program that allows (in appropriate cases) for the victim and the perpetrator to come together in a supported situation with their legal representatives and a skilled moderator to talk through the way family violence has affected their lives and the lives of their children, and to look at other ways of living together in harmony.
- CAFVPLS has also identified a clear need for the transfer of parenting skills and a holistic plan to strengthen the capacity of the community to respond to family violence situations.

Both CAFVPLS and Ceduna ICC emphasised the critical need for an appropriate facility to be established in Ceduna to accommodate and counsel victims within the region and urged the Committee to support strong local calls for a cluster of five units currently under construction in Kuhlmann Street Ceduna to be re-assigned as “safe housing” for Aboriginal women and children.²⁰

The Committee heard:

- The present stated purpose of the units is to provide short-term accommodation for Aboriginal people transitioning from the Alinytjara Wilurrara Transitional Accommodation Centre (‘Ceduna Town Camp’) into long-term public housing.
- The long waiting list for public housing in Ceduna will make it difficult for the units to be used as “short-term” transitional accommodation.
- As safe housing, the units could service women and children from Port Lincoln through to Oak Valley, whereas as transitional accommodation they would only serve five Yalata individuals/families.

²⁰ The Committee subsequently discussed this option with a number of Commonwealth and State Government representatives, including:

- the Aboriginal Affairs and Reconciliation Division, Department of Premier and Cabinet (AARD/DPC). See sections 7.2. and 7.6.
- the Hon Mal Brough MP, Minister for Families, Community Services and Indigenous Affairs: On 28 September 2006, the Committee wrote to the Hon Mal Brough seeking his support for a change of purpose – to transitional safe housing - for the Ceduna transitional accommodation home units, funded in 2004/05, by the Federal Government under the Community Housing and Infrastructure Program (CHIP). The Hon Mal Brough responded by letter dated 16 October 2006, stating:

“I have recently written to Premier Rann and the Hon Jay Weatherill, Minister for Aboriginal Affairs and Reconciliation, seeking to extend our mutual ongoing cooperation to projects around the provision of safe places under the new COAG [Council of Australian Governments] initiative. I intend to give priority to those projects that are in communities where family violence is a major issue and mainstream services do not exist.”

The Minister further added that he understands his department is working with the State Government on a proposal for a safe place in Ceduna, which meets the requirements of the COAG initiative. Appendix C Documents Received 22 November 2006 (D323).

- the State Office for Aboriginal Housing. See section 7.3.

- There is an urgent need to be able to provide continuity of care that is culturally appropriate within the Ceduna area particularly as many of the victims have little or no English language.
- There is overwhelming support from all sectors of the West Coast community – Aboriginal and non-Aboriginal – for the units' purpose to be changed.
- State and Federal agencies have funding for family violence programs that could be based at the units if they were designated as safe housing, but none of those agencies has funding for infrastructure.

In concluding her remarks, Ms Lansley stated that the five main regional priorities are:

- i. the establishment of a safe house for Aboriginal women and children who are victims of family violence
- ii. improving police resources in relation to family violence, specifically with the appointment of a dedicated Family Violence Officer in Ceduna and an ongoing police presence in Yalata
- iii. expanding the rehabilitation options accessible locally for Aboriginal people with alcohol and substance abuse problems
- iv. expanding regional mental health programs and services for Aboriginal people
- v. programs for restoration and healing including parenting skills, anger management, healing programs for the community.

6.1.7 Country Health South Australia

On Tuesday 8 August 2006, the Committee met with Ms Kerry Colbung, Regional Indigenous Service Development Officer, Country Health South Australia. The discussion was held in the meeting room of the Ceduna Indigenous Coordination Centre (ICC).

Ms Colbung distributed copies of “Embracing the Challenge: Opportunities for Change – Finding Ways of Doing Aboriginal Health Business Better”.²¹

In the course of the meeting, the Committee heard:

- Ms Colbung’s role is to:
 - help mainstream health service providers (Port Lincoln and Ceduna regional hospitals) develop strategies that ensure local Aboriginal people access their services and that the services provided to them are culturally appropriate and respectful
 - build partnerships with the community health sector and, more broadly, with other key agencies and departments (for example the Department for Education and Children’s Services).

²¹ Eyre Regional Health Service, 10 November 2005, Appendix C Documents Received 28 August 2006.

- Ms Colbung also addressed the Committee in her capacity as the Chair of the Premier’s Aboriginal Advisory Council:²²
 - Established in November 2005, the eight-member council is tasked with providing recommendations to the Premier on how an ongoing advisory body might be established and operate.²³
 - As of August 2006, the Council had met three times. Although it was asked to report within a 12-month timeframe, the Council had recently sought a six-month extension so it can consult with the South Australian Aboriginal community.
 - Ms Colbung noted that the Council acknowledges its status as an appointed body, not a representative structure.

6.1.8 Ceduna Indigenous Coordination Centre

On 8 August 2006, the Committee met with Ms Maree McColm (Manager, Ceduna Indigenous Coordination Centre), Ms Pia Richter (Deputy Manager, Ceduna Indigenous Coordination Centre) and Ms Kira Kudinoff (Deputy State Manager, Office of Indigenous Policy Coordination). The meeting was held at the Ceduna Indigenous Coordination Centre (ICC).

Discussion focussed on the following matters:

- Koonibba
 - Ceduna ICC is working with the community to develop and implement a comprehensive Shared Responsibility Agreement (SRA) that will focus on enterprise development.
- Yalata
 - In October 2004, Yalata Community asked the State and Commonwealth governments to intervene in its affairs and as a result, Yalata Community was formally declared a “community in crisis”. The declaration enabled Ceduna ICC to access a flexible funding pool of about \$1 million. This funding had paid for a forensic audit, reduced the community’s debt, and enabled its store to re-open.

²² The eight-members of the Premier’s Advisory Council are: Ms Kerry Colbung (Chair), Mr Parry Aguis, Ms Leonie Casey, Mr Lewis O’Brien, Dr Alice Rigney, Mr Harry Miller, Mr Derek Walker and Ms Mary Anderson

²³ On 25 January 2008, Premier Mike Rann and Aboriginal Affairs and Reconciliation Minister Jay Weatherill announced the establishment of a permanent South Australian Aboriginal Advisory Council, to advise Government on programs and policies affecting Aboriginal people. Ms Kerry Colbung was appointed as the Council’s Chairperson.

- Following up on the forensic audit, the ICC, with support from the State Department of Premier and Cabinet, has implemented a process of change management, which has included:
 - appointing a Community Development Manager
 - establishing a family-representational model for local council elections²⁴
 - closing the Yalata Roadhouse and stopping residents from being able to obtain items on credit from the community store
 - introducing a “no work, no pay” policy
 - obtaining funding from Families SA to run a weekly bus service to Ceduna which assists people from Yalata to attend court, medical appointments, and go shopping, at a cost of \$10 for a round trip
 - initiating the development of a 20-year community plan for Yalata which would be developed in partnership with community members and would reflect local aspirations.
- Community Housing:
 - There is an acute shortage of community housing at Yalata. There are currently 57 adults and 39 children listed on the community’s housing waiting list.
 - Over the last two years, 11 community houses have been demolished. Six more have been identified for demolition.
 - Existing stock needs to be brought up to an acceptable standard. At present, most houses are not securable - doors cannot be locked.
 - The community has sought permission from the Aboriginal Housing Authority (AHA) to be allowed to redirect some funds allocated for new housing into repair and maintenance work on existing housing.
 - The four-bedroom transportable homes that are normally provided are not durable and are easily damaged (gyprock interiors). Community members have expressed a desire for a range of houses to be provided, particularly two-bedroom besa block houses and accommodation for single men.
 - The shortage of community housing at Yalata is a contributing factor in some people’s decision to remain in Ceduna for longer periods of time.

²⁴ The development of this model involved more than six weeks of consultations with community members to identify who they recognised as Yalata residents and then, to determine in which family group individuals belonged. Subsequently, free and fair elections were held: Yalata residents voted in their family groups to elect one council member (2-year term), one council member (1-year term), and one proxy. The new Council’s decisions are scrutinized by the community to whom all major decisions must be brought back. The new Council members do not receive any sitting fees.

6.1.9 Yalata Aboriginal Community

The Committee visited the Aboriginal community of Yalata on 9 August 2006.²⁵ The following matters were raised during wide-ranging discussions with Mr Taiira Rivers, Community Development Manager, Yalata Aboriginal Community, and other staff:

- appointment of staff
 - Mr Rivers spoke of his concern that the process for appointing staff in communities like Yalata is fundamentally flawed: a low socio-economic group, with little managerial or financial skills, is asked to select a person to manage their affairs.
 - He noted that State and Commonwealth agencies only consider replacing staff when the incumbent resigns rather than implementing succession planning.
- Yalata Community Council election and operations
 - Independent consultants had been employed to work with the community to develop a family-based model for electing the local governing council.
 - The process necessitated many weeks of discussions to obtain agreement on the composition of six family groups.
 - Elections were then held for the 12-member council - six of whom were elected for a 2-year term and six elected for one year. Six proxies were also elected. People voted in their family groups, using a secret ballot.
 - The elected members subsequently selected Ms Mima Smart to be the Council chairperson.
 - Mr Rivers highlighted the ongoing importance of helping the new council understand the distinction between policy development (their role) and day-to-day administration (office staff).
- financial management
 - A new accounting system has been established for the community incorporating strict checks and balances for all expenditure.
- housing
 - Some concerns were expressed about the inflexibility of the processes followed by the Aboriginal Housing Authority.²⁶
 - The lack of any visitor accommodation at Yalata impacts on the community's ability to bring in short-term staff and consultants.

²⁵ At the time of the Committee's visit most of the Yalata community members were away at sorry camp.

²⁶ Evidence from the Office for Aboriginal Housing in relation to Yalata housing was given to the Committee on 14 September 2006. See Evidence Received section 7.3



Yalata Aboriginal Community (9 August 2006).

Left to right: Hon Michelle Lensink MLC, Dr Duncan McFetridge MP, Ms Lyn Breuer MP, Mr Taiira Rivers, Hon Lea Stevens MP and Mr Jonathan Nicholls. (Photo courtesy of Ms S. Surtees)

Yalata Aboriginal School

Ms Cheryl Bawden, Principal, Yalata Aboriginal School, guided the Committee on a tour of the school facilities following which, the Committee discussed various issues and concerns with the local teaching staff.

During the course of the visit, the Committee learnt about the school's operations including the following information:

- The school provides a breakfast/shower/laundry program: a bell rings at 8am; breakfast consists of porridge or weetbix (no sugar) and fruit; after breakfast, the students shower and put on their school uniforms; the school launders their home clothes each day.
- The importance of arriving at school on time is emphasised - students who arrive after 8.30am are not given a full breakfast (only fruit).
- The high school program offered at Yalata has a VET focus. Building the capacity for students to be able to secure work in their home community is a priority. The school now employs one male student to work in the afternoons as an assistant to the groundsman (this employment is conditional on the student attending school until lunchtime).

- One local student is on track to compete Year 12 at Yalata this year - however teachers noted that those students who do complete Year 12 (whether in Adelaide or at Yalata) have very few options.
- Teachers expressed concern at the lack of suitable TAFE programs then being provided in the community.²⁷
- A number of students from Yalata are attending the Wiltja high school program in Adelaide which provides a very supported learning environment.
- Ms Bawden noted that she had established a good informal working relationship with the Oak Valley Principal, particularly in terms of managing student movements between the two schools. At the time of the Committee's visit, a large number of Yalata students were at Oak Valley.
- Petrol sniffing remains a significant problem in the community.
- The school's governing council meets regularly but is often unable to pass formal motions as under the rules of the Council, 80% of its members need to be present before a resolution can be passed.
- Asked to highlight issues of critical importance, the teachers noted:
 - the lack of activities for students to participate in after-school, on weekends and during school holidays
 - the absence of a functioning, properly-equipped youth centre
 - the difficulty of securing funding for salaried positions
 - Government agencies frequently offer grants for short-term projects but seem unable or unwilling to provide a salary for someone to develop, run and sustain strategic programs.
 - the need to mentor local people so they are able to take on local jobs such as school office assistant.

²⁷ In response to the Committee's request for further information regarding the delivery of TAFE programs to Yalata, the Department of Further Education, Employment, Science and Technology provided a written briefing. Appendix C Documents Received 27 September 2007 (D315).



Committee with Yalata Aboriginal School staff and students (9 August 2006).
(Photo courtesy of Ms S. Surtees)



ALPSC members meet with staff of the Yalata Aboriginal school (9 August 2006).
(Photo courtesy of Ms S. Surtees)

Tullawon Health Clinic (Yalata)

Mr Lindsay Osborn (Clinic Manager, Tullawon Health Clinic) and Mr Bob Wright (Chief Executive Officer, Tullawon Health Clinic) guided the Committee on a tour of the new clinic. Its features include separate male and female entrances and separate spaces for treating male and female clients.

In the course of the visit, the Committee learnt that:

- The clinic's staff includes three registered nurses, five Aboriginal Health Workers, an aged-care coordinator, aged-care workers, disability workers and a drug and alcohol counsellor. A doctor attends the clinic once a week, while occupational therapists and physiotherapists attend every few months.
- The clinic handles about 14,000 contacts a year.
- The clinic maintains a population register of 300 individuals (though some people "come and go"). Records are managed using the same program/database that operates on the APY Lands.
- A good relationship has been established with the local school. The clinic visits the school twice a week to deliver an ear health program.
- A "0 to 5" program is provided to mums and babies. The level of immunisation at Yalata is better than mainstream Australia.
- An "oldies room" for frail-aged and younger people with disabilities provides showering, respite/day-care, meals on wheels and an activities program.
- A recent STI health campaign was able to screen 55% of all community residents.
- The clinic runs a program to monitor and measure chronic disease, including diabetes, lung disease, alcohol and poly-substance abuse.
- Over the last four years, about 25% of adult deaths at Yalata were directly attributable to alcohol.
- The number of petrol sniffers at Yalata fluctuates.
- Clinic staff manage a regional ambulance service as volunteers. It services an area from the Western Australian border to approximately 100km east of Yalata and is fully funded by the State Government.



Tullawon Health Clinic, Yalata (9 August 2006).
Left to right: Mr Bob Wright, Dr Duncan McFetridge MP, Mr Jonathan Nicholls, Hon Lea Stevens MP, Mr Lindsay Osborne and Hon Michelle Lensink MLC. (Photo courtesy of Ms S. Surtees)

6.1.10 Maralinga Village & Section 400

Maralinga Village is located on Section 400, an area of Commonwealth land located inside the Maralinga Tjarutja lands. Construction of the village commenced in 1956. At its peak, the village was able to accommodate up to 2000 military and civilian personnel. Nuclear and atomic testing within Section 400 ended in 1963. In the 1990s, Maralinga Village provided accommodation for up to 60 persons involved in the \$100 million plus rehabilitation of former British nuclear test sites.²⁸

The Committee visited Maralinga Village and Section 400 on Wednesday 9 August and Thursday, 10 August 2006. The visit included: a tour of some parts of the village complex; visits to a former test site (Kuli) and to some pits in which the British Government buried items associated with their atomic testing program. The Committee also had an opportunity to fly-over some rehabilitated test sites (Taranaki, Wewak) and one unused site (Tufi).

²⁸ Information taken from "A brief history of the current Maralinga Village 1955-2005," Department of Education, Science and Training" (D235)

On the evening of 9 August 2006, the Committee heard formal evidence from:

- Mr Andrew Collett, Legal Advisor, Maralinga Tjarutja
- Mr Chris Guille, Corporate Advisor, Maralinga Piling Trust
- Mr Bob Ramsay, General Manager, Maralinga Tjarutja
- Mr Chris Dodd, Operations Manager, Oak Valley Community
- Mr Clayton Queama, Oak Valley Community.

A summary of the evidence can be found in section 7.1 of this report. The key points covered in evidence included:

- the history of Section 400, including the period of British testing, series of clean-up operations, and its planned hand back to Maralinga Tjarutja
- the Maralinga Piling Trust - its establishment and operations
- Maralinga Tjarutja's plans for Section 400, including the redevelopment of Maralinga Village as a land-management and tourist centre
- the permit system that operates under the *Maralinga Tjarutja Land Rights Act 1984*.



Members of the Committee with representatives of Maralinga Tjarutja and other persons on the runway at Maralinga Village (10 August 2006).



A section of the former test site at Wewak (24 August 2005).²⁹
As part of the rehabilitation of this site, the contaminated surface soil was removed and buried in a trench.



Aerial photographs of Maralinga test sites (10 August 2006).
Left: Tufi forward test area. *Right:* Taranaki test site.

²⁹ ALPSC Annual Report 2005/2006 p. 9



Committee members and other parties on site at Maralinga (10 August 2006).

6.1.11 Oak Valley Aboriginal Community

The Committee visited the Aboriginal community of Oak Valley on 10 and 11 August 2006. Activities included: visits to places of special significance for the Traditional Owners; a community BBQ; a visit to the local community store; and a visit to the community power station.

Members participated in informal discussions with community members and staff, including:

- Mr Huey Windlass, Traditional Owner and member of the Council of Elders, Maralinga Tjarutja
- Mr Chris Dodd, Operations Manager, Oak Valley Community
- Mrs Annette Dodd, Manager, Oak Valley Aged Care
- Mr Ralph Earle, Principal, Oak Valley Aboriginal School
- Mr Paul Case, Manager, Oak Valley Community Store.

Some of the issues raised during informal discussions included:

- Oak Valley Power Station
 - A new power station was constructed in 2003, which incorporates a large flat plate solar field. The Committee was told of a long-standing problem with the station's inverter.³⁰
- location of Maralinga Tjarutja administration office
 - It was suggested that subsequent to the hand back of Section 400, the main administration office for Maralinga Tjarutja could be relocated to Maralinga Village which would:
 - improve communication through enabling Traditional Owners / Oak Valley residents to become more involved in decision-making processes and in the management of their lands
 - encourage government agencies and service providers to visit the MT Lands and engage directly with its people - at present those agencies and providers mainly deal with staff in the Ceduna office
 - reduce the need for Oak Valley residents to visit Ceduna where many have been charged for driving an unregistered vehicle or driving without a license.
 - The proposal was compared to the establishment of Umuwa on the APY Lands. Oak Valley already owns a couple of community buses that could be used to transport people between Oak Valley and Maralinga Village.
- government engagement with Aboriginal community leaders
 - The community would welcome an opportunity to talk directly with the Minister for Aboriginal Affairs and Reconciliation and would like to see local communities better represented on the Premier's Aboriginal Advisory Committee.
- police visits to Oak Valley
 - The community would welcome regular and longer visits from SAPOL officers.
- employment opportunities and impediments to self-management
 - The Committee was told of the urgent need for young Anangu leaders to be provided with opportunities that would enable them in the longer term to take on management positions.
 - At present local community members are effectively prevented from applying for key positions, even if they are suitable for the job, because they do not hold tertiary qualifications, as required under the job and person specifications.

³⁰ The Committee followed up this matter and received a response from the Aboriginal Affairs and Reconciliation Division (Department of Premier and Cabinet). Appendix C Evidence Received 22 November 2006 (D317). See also section 7.2.

6.2 APY Lands and Umoona

From 27-30 October 2006, Committee members visited the APY Lands, attending the 25th Anniversary of the passing of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*, at Umuwa, and visiting Mimili and Fregon communities, including their Anangu Schools. Committee members also had the opportunity to visit the Umoona Community at Coober Pedy, and to meet with representatives from the District Council of Coober Pedy.

6.2.1 APY Lands Celebrations at Umuwa

On Friday 27 October and Saturday 28 October 2006, members of the Aboriginal Lands Parliamentary Standing Committee attended the “Nganampa Manta – Our Land Festival” at Umuwa. The festival marked the 25th anniversary of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*.

The official program of activities included *inma* (traditional ceremony), music performances, dance competitions and speeches.

Attendance at the festival provided Members with an opportunity to engage in informal conversations with a broad range of individuals (Anangu and non-Anangu).



Celebrations at Umuwa (28 October 2006).

6.2.2 Mimili Community

On Saturday 28 October 2006, members of the Committee visited Mimili community. The visit afforded them with an opportunity to visit the local school, inspect the new swimming pool and attend celebrations marking its official opening.

The Presiding Member, Hon Jay Weatherill MP, in his capacity as Minister for Aboriginal Affairs and Reconciliation, participated in the celebrations for the official opening of the swimming pool.

On Sunday 29 October 2006, members of the Committee briefly returned to Mimili to inspect the community's Bush Foods Garden.



Mimili Community (28 October 2006).

Clockwise from top left: Mimili Swimming Pool, Entrance to Swimming Pool, Mimili Bush Garden, Hon Mal Brough MP and Hon Jay Weatherill MP, with members of the Mimili community.

Mimili Anangu School

Members of the Committee met with Mr Martyn Burne, Principal, Mimili Anangu School, on the morning of Saturday 28 October 2006. The following points summarise some of the matters that were discussed:

- Mimili swimming pool
 - Each week, every student participates in two 45-minute structured swimming lessons.
 - Each student is provided with his/her own towel, bathers and goggles and they are responsible for looking after their items and returning them to their proper place following each lesson.
 - At the end of the school day, students are given a medallion as proof of their attendance and the medallion allows them access to the pool.
 - The school intends to expand the “no school, no pool” policy to “play the fool at school, no pool”.
 - During the warmer months, the pool is open after school from 3pm to 4.30pm and also opens for two hours on Saturdays.
 - In total – including structured lessons – Mimili children are able to access the pool for approximately 11 hours per week.
 - The pool is closed on Sundays and will be closed for some longer periods when the Pool Manager is on leave.
 - Local Anangu who have completed the necessary training are employed as lifeguards. If the lifeguards do not turn up for work, the pool does not open.
 - A Year 12 student has expressed interest in becoming the Assistant Pool Manager and is receiving training for this position whilst studying in Adelaide at the Wiltja program.
 - Pool rules include: every person is required to shower before entering the pool; and no food, soft drinks and smoking allowed inside the pool facility.
 - School staff have already noticed improvements in the skin condition of the students.
 - The ear health of Mimili students was professionally monitored in 2004, 2005 and 2006, and it will be interesting to compare this earlier data with 2007 results to determine the impact of regular showering/swimming on ear health.
 - The school is planning to make the pool available three days a week (between recess and lunch) to nearby schools (Fregon, Indulkana) for swimming lessons.



Mimili swimming pool operations (28 October 2006).

Left: Proof of school attendance medallions. Right: swimming costumes, towel and goggles.

- school attendance
 - Attendance has been relatively strong for a number of years: 80+% (2004), 76% (2005), 80+% (2006), with a core group of Mimili students consistently attending school.
 - Unexplained absences are less than 10%.
 - Explained absences include illness, cultural business, family away from community.
 - Mimili community has only had a school for about 23 years so attending school is a comparatively new practice for local Anangu.
- high school and beyond
 - Seven Mimili students currently attend the Wiltja High School program in Adelaide.
 - The Wiltja program provides Anangu adolescents with a controlled environment in which to learn; that is, a structured environment with rules and boundaries.
 - For the first time, in 1999, a student from Mimili completed her SACE. This person now works in the administration office at Umuwa. Another Mimili student who obtained his SACE in 2004, is now working in the school as an Anangu Education Worker. A third student is on track to obtain their SACE certificate in 2006, after which he will return to Mimili to become the Assistant Pool Manager (as noted above). Mr Burne thought it was likely that two students from Mimili would complete their SACE in 2007.
 - Over the last eight years, Mimili has concentrated on building a literate and numerate community. Employment can be found for students who graduate with literacy and numeracy skills.

- school staffing
 - The current Principal has been at Mimili for eight years.
 - Mimili school staff are remaining at the school for longer periods with only one staff vacancy for next year.
 - In 2006, the school hosted seven student teachers and a number subsequently applied to return to Mimili. The Principal expressed confidence that current staff are, or would become, “educators of substance”.
 - Teaching in a remote Aboriginal community is not a nine-to-five job, it’s a lifestyle.
 - The Department for Education and Children’s Services (DECS) provides staff in remote locations with good working conditions and an attractive remuneration package which includes free rent, free electricity and gas, and a generous remote allowance.
 - DECS employs a Coordinating Principal for the APY Lands who meets regularly with all of the local school principals and provides performance management. The Coordinating Principal also ensures that there is an appropriate match between the local school plan and the Lands-wide education policy (developed by the Pitjantjatjara Yankunytjatjara Education Committee).
- community-based staff
 - Mr Burne noted that Municipal Services Officer (MSO) and CDEP Manager positions are extraordinarily difficult ones and that a person is often unsupported and isolated. He suggested that the selection processes for these positions have often been inadequate.
 - Many MSOs / CDEP managers have had little or no experience in working in remote Aboriginal communities and are not provided with any rules/framework to guide their work. They can easily become isolated from other community-based staff and organisations, whilst they remain accountable to the local community.
 - The possibility of establishing a “Coordinating MSO” for the Lands to support and guide the work of all of the local MSOs was raised.³¹

³¹ On 21 December 2006, the Committee wrote to the Secretary of the Commonwealth Department of Families, Community Services and Indigenous Affairs in regard to this matter and received a letter in response on 22 February 2007. The letter referred to an Australian and South Australian Government collaboration in a scoping study on the provision of municipal, local government and environmental health services to communities on the APY Lands. Appendix C Documents Received 26 March 2007 (D357).

- Other Matters
 - Mr Burne noted that there had been a marked improvement in policing across the APY Lands in recent years.
 - The housing/infrastructure provided to Mimili is often poorly designed and/or made of materials that will quickly wear-and-tear. A little extra cost at the outset might significantly reduce long-term maintenance costs. Concrete tilt-up construction and steel-framed buildings would be more durable than the transportable buildings usually provided.

6.2.3 Fregon Community

While on the APY Lands, Members were accommodated in teacher housing at Fregon. This provided Members with opportunities to visit the Fregon Anangu School and the Kaltjiti Arts Centre.

Fregon Anangu School

On the morning of Sunday 29 October 2006, Members met with Ms Sophia Kerkvliet (Principal) and other staff of the Fregon Anangu School. In the main, Members engaged in one-on-one conversations with school staff. At the end of the visit, the Principal gave Members a guided tour of the school facilities.

Matters raised included:

- the role of a student counsellor who works at the school for four weeks each term
- Department for Education and Children's Services' inability to secure funding for three social worker positions³²
- a forthcoming school excursion to Melbourne
 - Twenty-five students (aged 8 to 12) are due to participate in an eight-day trip to Melbourne - cost is approximately \$1000.00 per student, of which families are contributing \$350.00 per child - fundraising activities include the sale of greeting cards (featuring student artwork).
- the likely impact of the impending loss of a number of long-term staff
- the ongoing development of an arts-based curriculum.

³² This need was previously raised with the Committee during a visit to the Amata school in May 2005. In November 2007, it was reported that the Department for Families and Communities' Families SA will have two Senior Social Workers on the APY Lands in December 2007, based at Amata and Indulkana, with a third soon to be based at Fregon. Aboriginal Affairs and Reconciliation Division, Department of Premier and Cabinet *Progress on the APY Lands* November 2007, p.2.



Fregon Anangu School (29 October 2006).
Left: Fregon classroom. Right: Fregon school hall.

Kaltjiti Arts and Crafts

On the mornings of Saturday 28 October and Sunday 29 October 2006, Members visited the Kaltjiti Arts and Crafts Centre at Fregon. An explanation of the centre's operations was provided by Ms Bev Peacock, Arts Coordinator.



Artwork on display at Kaltjiti Arts (28-29 October 2006).



Artwork on display at Kaltjiti Arts (28-29 October 2006).

6.2.4 Umoona Community

On Monday 30 October 2006, Members visited Umoona community in Coober Pedy where they held discussions with representatives of the Umoona Community Council (UCC). Those present included: Mrs Mabel Lochowiak (Chairperson), Mr Forrest Holder (Acting CEO), Ms Maureen Williams, Mr Kevin O'Toole, Mr Norman Rosella, Mr Robin Walker and Mr George Cooley.

The main topics of discussion were:

- Commonwealth changes to municipal services funding
- the provision of leases under the *Aboriginal Lands Trust Act 1966*
- the establishment of a transitional accommodation centre in Coober Pedy.

Commonwealth Changes to Municipal Services Funding

The impact of the loss of municipal services funding for Umoona Community Council was discussed in detail when representatives of Umoona Community Council gave formal evidence to the Committee on 18 June 2007 (*see section 7.14*).³³

³³ See also Appendix C Documents Received 22 November 2006, Mr Forrest Holder, A/Chief Executive Officer, Umoona Community Council (D336) and Appendix C Documents Received 5 February 2007, Mr Forrest Holder, Chief Executive Officer, Umoona Community Council (D344).

The Provision of Head Leases under the Aboriginal Lands Trust Act 1966

- For many years UCC has not had a valid head lease from the Aboriginal Lands Trust (ALT). The original head lease was voided many years ago as a consequence of the signing of a sublease.
- Without a head lease, UCC is unable to insure its buildings, nor can it take out insurance for contingent and consequential loss. The absence of a lease has also made it difficult for UCC to obtain contents insurance.
- ALT currently lacks the resources and capacity to assess all of the buildings on its properties. Consequently UCC has had to arrange its own assessment.

The Establishment of a Transitional Accommodation Centre in Coober Pedy

- UCC intends to bid for the running of the proposed transitional accommodation centre, if and when it is built.

6.2.5 District Council of Coober Pedy

On Monday 30 October 2006, Members met with three representatives of the District Council of Coober Pedy (DCCP): Mr Steve Baines (Mayor), Mr Trevor McLeod (Chief Executive Officer) and Mr Damien Clark (Finance Administration Manager).

The main topics of discussion were:

- Commonwealth changes to municipal services funding to Umoona Community Council and 30 other Aboriginal organisations/communities
- proposal to establish a Transitional Accommodation Centre in Coober Pedy
- policing levels/resources.

Municipal Services Funding Changes

The District Council of Coober Pedy provided a detailed response to the Commonwealth's municipal services funding changes when their Chief Executive Officer, Mr Trevor McCleod gave formal evidence to the Committee on 18 June 2007 (*see section 7.13*).

Transitional Accommodation Centre

- The DCCP and other local organisations have been working for three to four years for the establishment of a transitional accommodation centre in Coober Pedy.
- The proposed centre will provide accommodation for the high numbers of transient Aboriginal people who visit or pass through Coober Pedy, particularly in the summer period (November to March).

- The proposed centre will reduce the need for transient people to sleep rough or to overcrowd local housing.
- Currently no funding is allocated for the capital costs of the Coober Pedy centre and DCCP does not have the resources or expertise to run the centre.
- Umoona Community Council is keen to manage the facility, though FACSIA's withdrawal of funding to that organisation may jeopardise this possibility.
- A local Senior Officers Group has signed a Memorandum of Understanding for the proposed centre.³⁴

Coober Pedy Policing Levels

- Coober Pedy does not have 24-hour policing. After 1am, calls to police are diverted to Port Augusta where an officer makes a determination as to whether on-call Coober Pedy-based police should be despatched. In most instances, the Port Augusta Police Station determines that immediate action is not warranted. DCCP is concerned that Port Augusta-based officers lack the local knowledge necessary to make an appropriate determination.
- A transitional accommodation centre cannot be established without 24-hour policing.
- The influx of transient people over the summer period leads to an increase in break-ins and property damage and there is no corresponding increase in police staffing. Coober Pedy's population is comparable to that of Ceduna, but it has far fewer police officers.
- As a consequence of the low police numbers, the local dry-zone policy is not always enforced.
- Coober Pedy's economy relies heavily on tourism and unpoliced street behaviour is having a negative impact on tourism.

6.3 Port Augusta and Davenport

6.3.1 Port Augusta Youth Centre

On 27 February 2007, the Committee visited the Port Augusta Youth Centre. There it met with the Centre's Coordinator, Ms Kym Chamberlain, and the Chair of its Management Committee, Ms Yvonne Barker. The Committee had previously visited the Centre in March 2004.

³⁴ Appendix C Documents Received 22 November 2006, Mr Trevor McLeod (Chief Executive Officer, DCCP).

At the time of this second visit, the Committee heard:

- The centre runs on a shoe-string budget and only receives \$20,000 in recurrent funding. All other funding is project-based.
- The majority of youth who attend the centre identify as Aboriginal.
- The Centre has three areas of core business: education; sports and recreation; and crime prevention.
- The Centre has established strong relationships with: the Aboriginal Resource Centre, Rangers Youth Centre, Port Augusta Secondary School (Bush mechanics program), Pika Wiya Health Services, and Families SA.
- The centre delivers literacy/numeracy courses for 15 to 24 year olds.
- Port Augusta Secondary School funds the Centre to deliver an accredited bush mechanics training program to high school students. Up to ten students can be enrolled in this program at any one time.



Members of the Committee with representatives of the Port Augusta Youth Centre (27 February 2007).
Left to right: Hon John Gazzola MLC, Ms Kym Chamberlain, Dr Duncan McFetridge MP, Ms Yvonne Barker,
Hon Lea Stevens MP

6.3.2 Port Augusta City Council

On 27 February 2007, the Committee met with representatives of the Port Augusta City Council, including Mrs Joy Baluch (Mayor), Mr John Stephens (City Manager), and Ms Fiona Coulthard (Harmony Officer).

Matters raised in this meeting included:

- the negative impact of the Federal Government's recent decision to cease providing municipal services funding to Davenport Aboriginal Community Council
- the conditions under which Port Augusta City Council would be prepared to consider delivering certain municipal services to Davenport community
- the positive impact of the establishment and operation of the Lakeview Transitional Accommodation Centre
- the establishment and review of the Council's city-wide dry-zone
- the need for a substance abuse rehabilitation centre to be established in Port Augusta
- Bungala Aboriginal Corporation and the likely impact of the Federal Government's decision to abolish the Community Development Employment Projects (CDEP) Program in regional centres like Whyalla, Port Pirie and Port Augusta.

A number of these topics were discussed in more detail when representatives of the Council gave formal evidence to the Committee on 13 June 2007 (*see section 7.11*).

6.3.3 Anangu Bibi Birthing Program (Country Health SA)

On 27 February 2007, representatives of Country Health SA provided the Committee with a comprehensive briefing on the operation and outcomes of the Anangu Bibi Birthing Program.³⁵ This meeting was held in the Early Years Parenting Centre in Port Augusta.

As part of the briefing, the Committee was told that the program provides culturally appropriate, supportive services to Aboriginal women during antenatal, birthing and postnatal periods. The operation of the program is guided by the input of an Aboriginal women's advocacy group comprised of senior Aboriginal women and Aboriginal staff.

³⁵ The critical importance of the program had first been brought to the Committee's attention in September 2005 (see *Annual Report of the Aboriginal Lands Parliamentary Standing Committee for 2005/2006*, p42-43). See also Appendix C Documents Received 26 March 2007 (D363), 30 April 2007 (D376).

The program follows a caseload model with each participant being assigned a primary Aboriginal Maternal Infant Care Worker and a Midwife. The key performance indicators for the program are: number of antenatal visits, point of entry to the program vis-à-vis gestation, infant birth weight, uptake of breastfeeding, decreases in the level of smoking.

As of December 2006, the program had supported 65 births and had 17 antenatal participants. Of the births, 85% had achieved the target birth weight of 2500grams or greater. On average, participants had entered the program at 10 weeks gestation, had received 10 antenatal visits and 7 postnatal visits. In addition, 60% of participants had elected to breastfeed their infants at birth, and 22 of them had quit smoking during the pregnancy.

The program began in 2004, and was initially funded by the Commonwealth for a two-year pilot period. During that period the program was established in Whyalla and Port Augusta and was able to provide services to a maximum of 20 participants in each location at any one time. In July 2006, Country Health SA assumed responsibility for the program.

The Committee was told that Country Health SA had given a commitment to roll out the program across regional South Australia over the next four to five years. Subsequent to the visit, the Committee wrote to the Department of Health congratulating it on the success of the program and on its decision to replicate the program in other regional centres.

6.3.4 Davenport Aboriginal Community

On 28 February 2007, the Committee visited Davenport Aboriginal community. At the time of the visit, the community was endeavouring to come to terms with the Federal Government's decision to abruptly end long-standing funding arrangements. The serious impact of that decision was the main focus of an extended discussion with community representatives and staff, including Mr Syd Waye (Chairperson, Davenport Community Council), Mr Malcolm McKenzie (Councillor, Davenport Community Council) and Ms Dawn Matthews (Municipal Closure Officer, Davenport Community Council). This discussion was held in the Board Room in Davenport's community centre.

The impact of the loss of core funding for Davenport was discussed in more detail when Davenport Community Council representatives gave formal evidence to the Committee on 13 June 2007 (*see section 7.12*).

Subsequent to the meeting at Davenport, the community was provided with a guided tour of the community's land and infrastructure. This tour included a brief visit to an alternative schooling program (Tjinatjunanyi) that had been established. As part of its follow-up to the visit, the Committee obtained a written briefing on this program from the Department for Education and Children's Services.³⁶

³⁶ Appendix C Documents Received 13 June 2007 (D391)



Members of the Committee and Davenport community representatives discuss matters of local community concern at a meeting in the offices of Davenport Community Council (28 February 2007).

6.3.5 Lakeview Transitional Accommodation Centre

On 28 February 2007, the Committee visited Lakeview Transitional Accommodation Centre which is located approximately 2km north east of Port Augusta's town centre on land leased from Davenport Aboriginal community.

The Centre is owned and managed by the State Office for Aboriginal Housing. It provides safe, short-term, transitional accommodation for visitors to Port Augusta. The centre is modelled on a similar facility opened in Ceduna in August 2003.³⁷

Lakeview Transitional Accommodation Centre opened in December 2005, and was able, at that time, to provide accommodation for up to 70 residents in canvas wiltjas (domed tents).

When the Committee visited the Centre, a second stage was under construction. This included a number of small cabins and ablution blocks. The Committee understands that with the completion of this second stage, the Centre would be able to accommodate up to 120 residents at any one time.

In addition to touring the facility, the Committee had an opportunity to discuss its operations with representatives of the Office for Aboriginal Housing including Ms Olive Bennell (Director, Office for Aboriginal Housing) and Ms Katrina Thompson (Manager, Lakeview Transitional Accommodation Centre).

³⁷ See *Annual Report of the Aboriginal Lands Parliamentary Standing Committee 2004/2005*, pp 24-26.

Prior to the visit, the Office for Aboriginal Housing provided the Committee with a written briefing on the Centre's operations and a copy of an evaluation report that had been completed in September 2006.³⁸ Additional documentation was provided to the Committee in the course of the visit.³⁹ Amongst other things this information indicated that:

- The Centre had accommodated, on average, 59 residents per night in January 2007 (compared with an average of 31 residents per night in January 2006).
- The Centre employs 11.6 full time equivalent staff (this includes a site manager, an administration officer and accommodation workers).
- The Office for Aboriginal Housing had in recent months been negotiating with the Port Augusta City Council on a partnership to establish homemaker programs at the Centre "including budgeting, cooking and health and hygiene sessions."⁴⁰
- The Office for Aboriginal Housing which was "committed to securing longer term housing options" for those residents "wishing to remain in Port Augusta in the longer term," was "working with local service agencies to secure targeted housing" and would "continue to advocate on behalf of residents and facilitate the linkages to housing providers."⁴¹



Members of the Committee and representatives of the Office for Aboriginal Housing at the Lakeview Transitional Accommodation Centre in Port Augusta (28 February 2008).

Left to right: Ms Bethany Geehoy, Ms Katrina Thompson, Ms Vicki Dodd, Ms Deb Butler, Ms Lyn Breuer MP, Hon Lea Stevens MP, Ms Olive Bennell, Dr Duncan McFetridge

³⁸ Appendix C Documents Received 26 March 2007 (D362)

³⁹ Appendix C Documents Received 26 March 2007 (D368)

⁴⁰ Appendix C Documents Received 26 March 2007 (D362, Q16)

⁴¹ Appendix C Documents Received 26 March 2007 (D362, Q14)

6.3.6 Bungala Aboriginal Corporation

On 28 February 2007, the Committee visited the Port Augusta office of Bungala Aboriginal Corporation (CDEP). The Committee had previously met with representatives of Bungala in March 2004.

On the occasion of this second visit, discussion focused on the impact of impending changes to the Community Development Employment Program (CDEP), specifically the Federal Government's decision to abolish the program in specific towns and regions, including Port Augusta, Whyalla and Port Pirie, as of 30 June 2007.

The impact of these changes was discussed in more detail when representatives of Bungala Aboriginal Corporation gave formal evidence to the Committee on 10 September 2007.

7 EVIDENCE RECEIVED

During the reporting period, 44 witnesses formally appeared before the Committee to give evidence, with three witnesses appearing on two occasions (*see* Appendix B). The Committee also formally received a substantial amount of additional information and documentation in the course of the year under review (*see* Appendix C).

The following summaries highlight the main topics covered in evidence over the course of 16 formal meetings, held in Parliament House and in Aboriginal communities (*see* Appendix A). The summaries are presented in chronological order to demonstrate how the Committee pursued matters over the course of the year.

In many instances, the Committee sought further information or documentation from witnesses subsequent to their appearance. Some of that additional information has been incorporated into these summaries. In some places, background information has also been incorporated.

7.1 Maralinga Tjarutja

On 9 August 2006, the Committee took evidence at Maralinga Village from Mr Andrew Collett (Legal Adviser, Maralinga Tjarutja),⁴² Mr Bob Ramsay (General Manager Maralinga Tjarutja), Mr Chris Guille (Corporate Adviser, Maralinga Piling Trust), Mr Chris Dodd (Operations Manager, Oak Valley Community), and Mr Clayton Queama (representing the Oak Valley Community).

The witnesses and their evidence were structured as follows:

- Mr Collett – History of Section 400 and Permits
- Mr Guille – Maralinga Piling Trust
- Mr Ramsay – Proposed development at Maralinga Village
- Mr Dodd – Land Management at Maralinga Village

History of Section 400

Mr Collett, Legal Adviser Maralinga Tjarutja, stated the importance of understanding the history of Section 400, in order to better understand what the Maralinga people have been through and what was there before.

He explained that Section 400 is a small rectangle of land in the middle of the Maralinga Lands, and it became Section 400 in 1956 when the Commonwealth of Australia required from South Australia a suitable place to test atomic bombs. Section 400 was chosen because of its proximity to the railway line, enabling the British Government to easily transport materials.

⁴² Mr Collett previously gave formal evidence to the Committee on 22 August 2005, as reported in the ALPSC Annual Report 2005/2006 p. 18.

However there was a legal impediment to Section 400 which was the existence of an Aboriginal reserve at Ooldea (formerly United Aborigines Mission) which went half way up Section 400. The State government was required to resume or revoke the reserve in order to have unalienated freehold land, which it then transferred to the Commonwealth in 1956, thus creating the Maralinga Atomic Weapons Proving Ground.⁴³

Mr Collett further explained that the major atomic trials took place in 1956 (four tests) and 1957 (three tests). The various types of tests are described as balloon bursts, air drips, tower bursts, or on ground (creating a 40 foot crater). In all these tests the land was contaminated with fission products, and given the relatively small half-life of fission products, the sites were not particularly dangerous, but could not be used immediately afterwards. One of the last tests was at a place called “Taranaki” and in this test the fireball did not touch the ground, so the ground at that point was not contaminated and the site could be re-used. “Taranaki” was then used for the minor trials between 1959 and 1962.⁴⁴

In detailing the strength of the tests, Mr Collett stated that the yields at the major trials were not insubstantial, ranging between 1-10, with 10 being the yield at Hiroshima. The minor trial program which commenced at “Taranaki” in 1959, was the most dangerous in terms of contamination to the ground as these trials involved plutonium. They were not atomic bombs, but tests of components of atomic bombs such as plutonium, to see what happened when it dispersed into the atmosphere. Mr Collett commented:

By our standards, they were woefully environmentally irresponsible things to do. Basically, what they did was just to blow up plutonium and see what happened to it. Plutonium has a half-life of 24,500 years, and so there's still a lot of plutonium out there. The way in which they measured what happened to it was almost insultingly crude in many cases. They just put flypaper on music stands and measured the amount of rubbish that fell from the sky. That's how crude the measurements were. They were sort of the acme of environmental irresponsibility. So, the legacy after these tests was all this plutonium laid on the ground north-west of the Taranaki test site. For an area of about a square mile around, there was very heavy contamination that got less as it went out.⁴⁵

Mr Collett continued with explaining the history of Section 400, stating that the British hastily abandoned the minor trials and Maralinga with the advent of the Test Ban Treaty, and transferred their testing to Nevada, USA. Accordingly everything just stopped when the British left and the initial clean-ups such as Operation Brumby were unsatisfactory:

A discrete amount of plutonium was taken from the airfield by the British, loaded into a plane and taken back to England, but that was the only British atomic waste that was ever taken out. It was a matter of a kilogram or something less.

⁴³ Evidence A Collett, 9 August 2006, Q30

⁴⁴ Evidence A Collett, 9 August 2006, Q30

⁴⁵ Evidence A Collett, 9 August 2006, Q30

The rest remained here, and it remained here until the Royal Commission in 1984⁴⁶, which came about as a result mainly of two things: first, agitation by Australian service personnel who by that time, 30 years on, were starting, in many cases, to contract cancers and, not surprisingly, make the link with Maralinga. Some books were written about it, and there was quite a bit of veterans' agitation about it.

Likewise, there was agitation from Aboriginal people, not mainly the Maralinga people because they didn't know what was here—they had been kept away—but by people from the Pitjantjatjara lands, particularly Yami Lester and the Walatinna people, about what happened when a 'blackness' came through, which in fact was one of the Emu tests of 1953. That caused the Royal Commission to happen. Many stories came out.

The great thing for the Maralinga people was that, for the first time, they got documents about what had happened. They hadn't been let back here, they didn't know what had happened on the land, they had no idea what contamination there was as a result of the tests. We had this extraordinary spectacle during the Royal Commission when, we were in London to take evidence, for the first time many of these British documents were declassified, and we literally started to get boxes of reports about what had happened that had never seen the light of day beforehand. So, shocking as that was and difficult to run a case during the Royal Commission, it was tremendous for the community to finally get the information as to what had happened on this land.⁴⁷

Mr Collett further explained that during the Royal Commission it became evident that the extent of the plutonium contamination was worse than previously known, extending beyond the western boundary of Section 400, with plumes of plutonium spreading onto the Maralinga Lands. It became clear during the Royal Commission that a further clean up was required. Mr Collett put in argument before the Royal Commission that the model of clean up previously used, based on British life and British service personnel, needed to be remodelled appropriate to people living a traditional Aboriginal lifestyle. Traditional Maralinga people's risk of contamination was very, very different to the British model. The argument put was successful, resulting in a complete remodelling of the hazards of radioactivity to Aboriginal people.

The Committee was told by Mr Collett that a group called the Technical Assessment Group met with the community and conducted research between 1986, and 1990, and reported on options for the clean up.⁴⁸ The option chosen by the community and the State government required a full clean up around "Taranaki" and the fencing of the plumes of contamination, with the community being compensated for the loss of the land – 120 square kilometres.

⁴⁶ Australia, 1985, *The Report of the Royal Commission into British Nuclear Tests in Australia*, Royal Commissioner Mr Justice McClelland, 2 vols., Australian Government Publishing Service, Canberra

⁴⁷ Evidence A Collett, 9 August 2006, Q30

⁴⁸ Technical Assessment Group (TAG) established by Australian Government comprised Australian, British and American scientists and reported in 1990, with a range of costed rehabilitation options for the Maralinga Lands. See "Maralinga Rehabilitation Project", Department of Education, Science and Training http://radioactivewaste.gov.au/Rehabilitation_former_test_sites.htm

In 1995, agreement was reached between the Commonwealth, State and Maralinga Tjarutja, and all compensation claims were settled between Maralinga Tjarutja and the Commonwealth.

Mr Collett broadly outlined the terms of settlement stating that the Commonwealth paid to Maralinga Tjarutja \$13.5 million and made available Maralinga Village at the end of the clean up, should the community wish to return. The \$13.5 million was placed into a Trust account (known as the Maralinga Piling Trust). Once the settlement was reached the full clean up commenced and continued from around 1997 – 2002. The clean up was unique in being very extensive - “possibly the biggest clean-up ever”⁴⁹ and also in regularly consulting with the community, so “the community had a real stake in it”.⁵⁰

In concluding his evidence, Mr Collett stated his belief that the Australian Government did a good job in very unusual and difficult circumstances, given that they were not fully informed by the British Government as to what was there in the first place.

Mr Collett informed the Committee that Maralinga Tjarutja had negotiated a hand-back deed with the Commonwealth, which was close to finalisation and included issues regarding further remediation, and indemnities. Additionally the Commonwealth and Maralinga people have reached agreement on funding assistance for the Maralinga people to take back the land and for maintenance costs for Maralinga Village.⁵¹

In response to a Committee member’s question, Mr Collett confirmed that the *Maralinga Tjarutja Land Rights Act 1984*, will need consequential amendments to its schedule for the hand-back, to take into account the new lands. These amendments are in the final draft stage and it was hoped they would be completed by October 2006, being the 50th Anniversary of the tests.⁵²

In response to a further question Mr Collett explained that there were two reasons why the Yalata community (comprising people removed there from Ooldea) have not directly received any compensation.

The first reason being that the \$13.5 million was awarded pursuant to Recommendation 7 of the 1985 Royal Commission⁵³ which stated that compensation should be paid to the traditional owners of the Maralinga Lands for the loss of use and enjoyment of the lands between 1953-1984, and this compensation would not be cash but by way of resources and infrastructure to enable the community to re-settle on the Lands.

The second reason was to compensate people for the risk of living near plutonium contaminated land. Such a risk exists at Oak Valley due to the plutonium plumes, but no such risk exists at Yalata, nor Tjuntjuntjara.⁵⁴

⁴⁹ Evidence A Collett, 9 August 2006, Q30

⁵⁰ Evidence A Collett, 9 August 2006, Q30. See also *Rehabilitation of Former Nuclear Test Sites at Emu and Maralinga (Australia) 2003 – Report by the Maralinga Technical Advisory Committee* (known as the MARTAC Report).

⁵¹ Evidence A Collett, 9 August 2006, Q30

⁵² Evidence A Collett, 9 August 2006, Q83, Q85

⁵³ Australia, 1985, *The Report of the Royal Commission into British Nuclear Tests in Australia*, Royal Commissioner Mr Justice McClelland, 2 vols., Australian Government Publishing Service, Canberra

⁵⁴ Evidence A Collett, 9 August 2006, Q88-90

Maralinga Piling Trust

Mr Guille, Corporate Advisor for the Maralinga Piling Trust (the Trust) gave evidence to the Committee of the Commonwealth Government's decision to give the Maralinga traditional owners \$13.5 million, with the principal purpose being to assist with their resettlement back onto the Maralinga Lands. A charitable trust, the Maralinga Piling Trust was established to receive the money, with income being tax free, enabling the trust to build up its capital.⁵⁵

Mr Guille explained the establishment of a special trust deed which created a trustee board comprised of five members: three traditional owners (two from Oak Valley and one from Tjuntjuntjara community); a representative of the Maralinga Tjarutja land owning organisation in Ceduna; and a professional corporate trustee. The Trust deed provided for regular meetings (typically each year two are held on the Lands and two in Adelaide) as well as an advisor (which is the position Mr Guille has held since the formation of the Trust), and an auditor. The trust accounts are audited annually by an independent auditor.⁵⁶

Mr Guille further explained that when Maralinga Tjarutja received the \$13.5 million they held a meeting and decided, using bags of sand, to give the Western Australian owners two and half bags of sand and 11 bags for the South Australian traditional owners. Accordingly, the Trust is split into a Western Australian and South Australian fund, with the SA fund principally focussing on the Oak Valley community and the WA fund focussing on the Tjuntjuntjara community, being the sister settlement just over the border.

At the outset Maralinga Tjarutja established principles in regard to the use of the money such as preserving the capital for the children and grandchildren and only spending the interest, no personal spending with the focus on community projects and resettlement assistance, and the Trust being the funder of last resort with an emphasis on initially seeking government assistance. Accordingly, ten years later the Trust is now worth \$20 million and generates over \$1 million in interest each year. Expenditure of this money includes large building works, in particular a roadhouse (Iluka) north of the Tjuntjuntjara community, road maintenance equipment, community buses, cultural vehicles, furniture, educational scholarships, and sporting events (for example APY Lands/Maralinga Lands football match).⁵⁷

Mr Guille spoke of the Trust's interest in developing future business enterprises that create employment, opportunity and self-sufficiency for the communities for example Maralinga Village, petrol facilities, Head of Bight management, Yalata roadhouse.

Concluding his evidence, Mr Guille stated that he believed the Trust had been very successful over the years and well supported by the traditional owners who have stood by the principles of the Trust – "They have done a sterling job".⁵⁸

⁵⁵ Evidence C Guille, 9 August 2006, Q33

⁵⁶ Evidence C Guille, 9 August 2006, Q33

⁵⁷ Evidence C Guille, 9 August 2006, Q33

⁵⁸ Evidence C Guille, 9 August 2006, Q33

Mr Guille indicated that following every meeting of the Piling Trust, a substantial community meeting is held in order to share as much information as possible with people living at Oak Valley.⁵⁹ Mr Collett also informed the Committee of his longstanding consultation with Maralinga Tjarutja over 20 years with no less than four visits per year, enabling Maralinga Tjarutja to discuss and resolve many significant issues such as the clean-up and compensation.⁶⁰

Proposed Development at Maralinga Village

Mr Bob Ramsay, General Manager Maralinga Tjarutja, outlined the development and findings of a major report that investigated the possibility of Maralinga Village becoming an educational resource centre with an ancillary tourism facility. The report found that there was not an educational demand for the facility in Maralinga Village, but there was tourism demand. Other options were considered, with Maralinga Tjarutja settling on the concept of a land management and heritage resource centre, incorporating an interpretative centre and low scale tourism facility.⁶¹

In detailing this concept, Mr Ramsay stated that a land management program would be based there, staffed with rangers, and a strong heritage emphasis on maintaining and adding to the heritage values of the Maralinga Village buildings.

Mr Ramsay described the target group as being eco-tourism, adventure tourists, people with an interest in Indigenous tourism, and people with an interest in military history. Their studies indicated a niche market opportunity between June – September, value adding to tourism across the whole Eyre Peninsular. In response to a Committee member's question, Mr Ramsay stated that their visitor analyses projected between 1,000 and 3000 visitors per year.

The proposed development includes ablution blocks, café, restaurant, shop, land management office, board room, ranger office, first aid rooms and a comprehensive interpretative centre:

If you've got visitors here, you want to tell them the story....the whole story—of traditional use of this land—going through to displacement, atomic tests, land rehabilitation, political fighting to get the land back, right through to now, to the future destiny and vision of the Anangu people of where they want to be further down the track—it is a magnificent story to tell. So, we thought, 'We need to tell that story. We need a full-blown interpretive centre there.'⁶²

Mr Ramsay referred to links with Murdoch University historians who have been studying the post World War II atomic period and its impact upon Indigenous peoples.

⁵⁹ Evidence C Guille, 9 August 2006, Q93

⁶⁰ Evidence A Collett, 9 August 2006 Q97

⁶¹ Evidence B Ramsay, 9 August 2006, Q35. A copy of the *Maralinga Village Redevelopment: Land Management and Heritage Resource Centre*, feasibility study was provided to the Committee by Mr Guille. Appendix C Documents Received 14 September 2006 (D307).

⁶² Evidence B Ramsay, 9 August 2006, Q35

They have indicated that the international interest and tourism potential is much greater than anticipated and so there are some exciting opportunities ahead with the historians being able to access University resource dollars.

Mr Ramsay believes that you cannot separate Maralinga Village from Section 400 and that Section 400 should be operated as a conservation park, requiring permit access with visitor impact controls. He also highlighted the need to consult with traditional elders to identify Indigenous sites of significance and protect them, especially with increasing tourism, and to undertake a visitor impact study, with the rangers playing a major role in managing Section 400 similar to other conservation parks.⁶³

Land Management at Maralinga Village

Mr Chris Dodd, Operations Manager, Oak Valley Community, explained his involvement with the Oak Valley community dating back to 1988, and that he was one of five Indigenous people to work as a qualified ranger with the National Parks and Wildlife Service. He spoke of the involvement of young local people in land management, such as Clayton Queama and their joint work with national parks over the last four years at the Unnamed Conservation Park. He also raised the opportunity to involve children at risk in the land management program.

Mr Dodd stated that they are now fitting out their Maralinga Village office and acquiring machinery and vehicles with the support of the Piling Trust. A couple of times a year they receive visits from the National Parks and Wildlife Service Biological Survey Team which is a great experience for the younger staff.

Mr Dodd stated his hope that, through the amalgamation of some Landcare programs, including Community Development Employment Projects (CDEP), it will bring the Oak Valley and Yalata communities together. Mr Dodd stressed the importance of recognising that Anangu are all one people:

Even though we've got our traditional boundaries and things through customary law and through ceremonial activities, we're all one people. It's sad sometimes, because a lot of us are separated because of certain administration regulations. We're hoping that with land management for Anangu and the indigenous people of this country that we are all one people. We've got one program, we've got one land, we've got one culture, we've got one law, and we all look after that.⁶⁴

Mr Dodd stated that the elders at Oak Valley are keen to make artefacts and sell them at Maralinga Village, which would be a great opportunity for Anangu in the region to showcase their culture and skills and communication abilities. Mr Dodd stressed the importance of the wider community understanding why Anangu value their country and wish to live and die for their country.

⁶³ Evidence B Ramsay, 9 August 2006, Q35

⁶⁴ Evidence C Dodd, 9 August 2006, Q36

Mr Dodd concluded:

I'd really love to see the day when we can set this office up here and see the smile on some of those old people that have been around for a long time and waited for something like this to happen, where they can just have their own office, their own building and have ownership of their own land and put a bit of pride back into the community. I think that's the least we can give these people.⁶⁵

Permits

Mr Collett stated that the Maralinga community has very good and positive relationships with the media, particularly arising from the Maralinga Royal Commission⁶⁶ and sustained over more than 20 years.

Mr Collett further stated that allowing the press and others unrestricted access to the lands, with the removal of the permit system, was unnecessary for the following reasons:

- The land is freehold and Anangu should not be singled out when no one is suggesting that pastoral properties be subjected to the same scrutiny.
- Permits are valuable for the protection of the visitor, taking into account the vastness of the land, the harsh climate and local Anangu knowledge.
- Permits are necessary to monitor access to land when ceremonial business is occurring.⁶⁷

7.2 Aboriginal Affairs and Reconciliation Division, Department of Premier and Cabinet (AARD/DPC)

On 28 August 2006, the Committee took evidence from Ms Joslene Mazel, Executive Director, Aboriginal Affairs and Reconciliation Division, Department of Premier and Cabinet (AARD/DPC).

Ms Mazel commenced with an opening statement in relation to the APY Lands. She explained that around three years ago the responsibility for managing service delivery and coordinating government policy across the lands moved over to AARD within the Department of Premier and Cabinet. At this time the government increased funding to the lands to around \$25 million over 5 years.⁶⁸

⁶⁵ Evidence C Dodd, 9 August 2006, Q36

⁶⁶ Australia, 1985, *The Report of the Royal Commission into British Nuclear Tests in Australia*, Royal Commissioner Mr Justice McClelland, 2 vols., Australian Government Publishing Service, Canberra

⁶⁷ Evidence A Collett, 9 August 2006, Q45

⁶⁸ Evidence J Mazel, 28 August 2006, Q100

AARD convene an APY Lands Task Force comprised of a range of government agencies and non-government sector organisations and one of the Premier's past Advisers on the APY Lands. The Task Force undertook an audit of current services, identified gaps and funded priority proposals from the allocated \$25 million. AARD's effort remains very focussed on the APY Lands with on-going monitoring of funded proposals and coordination of effective service delivery. Funded priority proposals include:

- increased police presence on the APY Lands
 - There are now eight police currently servicing the lands (five are resident on the lands, with a view to all eight eventually living on the lands), and six Community Constable positions are filled across different communities with recruitment underway for an additional four.
- Youth Workers in most communities
 - They deliver a range of youth programs particularly targeted at petrol sniffers.
- a rehabilitation facility at Amata
 - The location was being selected by the community around the time of Ms Mazel's evidence.
- governance training on the lands.⁶⁹

Ms Mazel identified an important initiative being the establishment of a joint State-Commonwealth Lands Committee which meets three to four times per year and is driving a range of policy issues on the lands with input from non-government Aboriginal organisations operating on the lands (Tjungungku Kuranyukutu Palyantjaku – TKP).⁷⁰

In response to a Committee member's question, Ms Mazel stated that the main effects of the amendments to the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*, were improvements to the governance arrangements on the lands for example election terms have been extended from one year to three years. Ms Mazel further stated that the amendments were developed in consultation with the APY Executive and with broad community support.⁷¹

In response to a further question in regard to the viability of communities and what sort of criteria are used to assess community viability, Ms Mazel stated that AARD are undertaking a town planning assessment in APY communities to determine such things as the nature of their infrastructure and water sufficiency. Once the town plans are finalised, AARD will have a good indication of the status of those communities and their additional infrastructure needs to ensure their sustainability.

⁶⁹ Evidence J Mazel, 28 August 2006, Q100, Q107, Q114, Q 123

⁷⁰ Evidence J Mazel, 28 August 2006, Q100

⁷¹ Evidence J Mazel, 28 August 2006, Q104

AARD are also looking at increasing employment opportunities on the lands, particularly training in the construction industry so local labour can be used for housing construction. Further, AARD are in the process of identifying all the current jobs on the lands and the type of training needed for Anangu to fill those jobs.⁷²

In terms of strategic planning, Ms Mazel informed the Committee that AARD are working with Tjungungku Kuranyukutu Palyantjaku (TKP), to develop a new strategic plan.⁷³ In regard to information about achievements arising from the previous strategic plan, Ms Mazel indicated that these are contained in the APY Progress Report which is readily available from AARD and their website.⁷⁴

Ms Mazel further explained that AARD are working with Yalata, Point Pearce, Gerard and Raukkan Aboriginal communities in a similar way, with a whole of government approach, consulting with the community to identify issues and strategies.⁷⁵

In response to a Committee member's question regarding Aboriginal leadership capacity, Ms Mazel stated, using APY as an example, that AARD identified governance training as a major initiative that needed support and have funded governance training for most APY communities and the APY Executive. AARD's view is that this as an on-going commitment that will be reviewed and evaluated.⁷⁶

Ms Mazel clarified with the Committee that the Mimili pool is finished, the Amata pool is soon to commence construction, there is a pool at Yalata and one at Watarru independently funded by Minister Abbott, and there will be a "no school, no pool" policy.⁷⁷

The Committee raised further matters with Ms Mazel in relation to the Oak Valley power station, safe housing in Ceduna, AARD's cross-government coordination, and a proposed correctional facility:

- In regard to the operation of the Oak Valley power station, Ms Mazel stated that repairs are due to begin in the third week of September and that she would take this matter on notice to follow up.⁷⁸
- Referring to their recent visit to Ceduna, Committee members raised their concerns regarding the urgent need to provide safe housing for women and children fleeing family violence in Ceduna.

⁷² Evidence J Mazel, 28 August 2006, Q106, Q112, Q116

The Committee received further information from AARD in relation to criteria for assessing the viability of Aboriginal communities in South Australia. Appendix C Documents Received 22 November 2006 (D317).

⁷³ On 23 July 2007, the Committee formally received the TKP Draft Action Plan.

⁷⁴ Evidence J Mazel, 28 August 2006, Q118

⁷⁵ Evidence J Mazel, 28 August 2006, Q120

⁷⁶ Evidence J Mazel, 28 August 2006, Q123, Q124

⁷⁷ Evidence J Mazel, 28 August 2006, QQ126-128, Q130

⁷⁸ Evidence J Mazel, 28 August 2006, Q135

The Committee received further information from AARD in relation to the Oak Valley power station. Appendix C Documents Received 22 November 2006 (D317).

- Ms Mazel responded that AARD are negotiating with State and Commonwealth agencies about short and long-term possibilities for the provision of safe houses, and that it is their intention to ensure that some immediate action is taken to provide a safe house.⁷⁹
- Ms Mazel explained the benefits of AARD as a division within the Department of Premier and Cabinet, in terms of raising the priority of its whole-of government work, and AARD is receiving positive cooperation from State and Commonwealth agencies.⁸⁰
- Ms Mazel informed the Committee of a feasibility study being undertaken in relation to the proposed correctional facility which is near completion and which will report to the Aboriginal Task Force.⁸¹

7.3 Department for Families and Communities (Office for Aboriginal Housing, High Needs Housing Unit)

On 14 September 2006, the Committee heard evidence from representatives of the Department for Families and Communities, Ms Lana Johnson (Acting Director, Office for Aboriginal Housing), Ms Deborah Butler (Manager Finance and Transitional Accommodation, Office for Aboriginal Housing), and Mr Vince Raschella (Manager Supported Accommodation, High Needs Housing Unit).

Ms Johnson tabled a paper detailing topics for discussion in regard to safe housing, transitional housing and related programs in Ceduna, and community housing in Yalata. Ms Johnson spoke to that information as her opening statement.⁸²

Provision of Safe Housing in Ceduna for Aboriginal Victims of Family Violence

Ms Johnson acknowledged the urgent need for safe housing in Ceduna, but no response was being provided at present. She explained that Housing SA is considering identifying appropriate rental properties that could be used for safe housing and have submitted applications for capital and recurrent funding.⁸³

Mr Raschella further explained that there is a response to family violence in Ceduna, but this is not centred around a safe house. The Department for Families and Communities currently funds a number of organisations and programs dealing with domestic violence such as Centacare, Weena Mooga Gu Gudba (for Aboriginal women and families). Workers from these organisations work directly with women and children escaping violence and sometimes the best response is to take the women out of Ceduna to Port Lincoln and house them in safe core and cluster accommodation.

⁷⁹ Evidence J Mazel, 28 August 2006, QQ136-140

The Committee received an update from AARD on the establishment of a safety house for women and children in Ceduna. Appendix C Documents Received 14 September 2006 (D311).

⁸⁰ Evidence J Mazel, 28 August 2006, Q152

⁸¹ Evidence J Mazel, 28 August 2006, QQ153-154

⁸² Appendix C Evidence Received 27 September 2006 (D312)

⁸³ Evidence L Johnson, 14 September 2006, Q 161

Mr Raschella further stated that the major issue is acquiring recurrent funding to support a safe house.⁸⁴

Ms Butler and Mr Raschella both informed the Committee that:

- Ceduna does not have enough public housing stock (only 110 houses) and there is minimal turn-over.
- Five Pathway Housing units under construction [in Kuhlmann Street] are funded through the Commonwealth community housing program which specifies their use as transitional housing and not emergency stock.
- The Commonwealth has properties in Ceduna that are currently vacant and being larger, single properties, may be more suitable for a safe house.⁸⁵

Committee members and witnesses engaged in a detailed discussion canvassing Commonwealth and State capital and recurrent funding options in relation to the provision of safe housing in Ceduna.

Homemaker Program at Ceduna Transitional Accommodation Centre

Ms Johnson explained that the homemaker program received \$30,000 specific funding in 2003-2004, from the then Aboriginal Services Division (Department of Human Services). In the last two years further funding has not been pursued. Some activities are offered at the Centre such as hairdressing, nail and skin care and a women's group delivers some programs for residents.⁸⁶

Medium-term Accommodation for Aboriginal people Transiting from Ceduna Transitional Accommodation

Ms Johnson introduced their response to this topic stating that the Office for Aboriginal Housing is in the process of constructing five two-bedroom units which will be used for Pathway Housing.⁸⁷

Ms Butler expanded upon the Pathway Housing concept and explained to the Committee that it relates to a continuum of housing. It is intended primarily for Anangu from Oak Valley and Yalata, who are living in the Ceduna Town Camp to transition from initial homemaker type services to a more focussed homemaker program enabling them to live in an urban setting. It provides a short-term response, up to six months. The entry points for Pathway Housing have been expanded to include Housing Trust and Aboriginal Housing Authority tenants, with the exit points being a Housing SA property, private rental, return to community with enhanced homemaker skills, or home ownership.

⁸⁴ Evidence V Raschella, 14 September 2006, Q161

⁸⁵ Evidence D Butler and V Raschella, 14 September 2006, QQ186-189

⁸⁶ Evidence L Johnson, 14 September 2006, Q161

⁸⁷ Evidence L Johnson, 14 September 2006, Q161

The key stakeholders are Office for Aboriginal Housing, Ceduna Koonibba Aboriginal Health Service and Weena Mooga, with the latter two agencies providing an outreach service to support tenants once they move to longer term, more stable accommodation.⁸⁸

Provision of Community Housing at Yalata

Ms Johnson informed the Committee that the Office for Aboriginal Housing had received a grant application from the Yalata community in regard to five two-bedroom houses, nine major upgrades and 22 minor upgrades.

She stated that the Office for Aboriginal Housing has limited resources and following an intensive needs analysis to determine where new housing and upgrades can occur, identified Yalata for five major upgrades on properties – major upgrades cost in excess of \$80,000. These upgrades are underway and nearing completion.⁸⁹

Ms Johnson further stated that in 2006, an audit was conducted of the 41 Yalata community houses: eight required no work; 16 required minor upgrades (for example new doors, minor repairs, basic plumbing and electrics); two required major upgrades; six were identified for demolition; and nine had received some minor upgrade. An additional \$200,000 was allocated to the Yalata community as supplementary funding for housing repairs and maintenance.⁹⁰

Ms Johnson explained that under the Community Housing and Infrastructure Policy of the Australian Government (CHIP) communities are required to collect rent, which is then directed into repairs and maintenance. If rent is not being paid then the funding body can cease funding. Ms Johnson is aware of some ongoing housing management issues in Yalata and they have been working closely with the Yalata community to establish housing management policies and guidelines.⁹¹ The Office for Aboriginal Housing (OAH) is also a stakeholder on the Yalata Community in Crisis Working Group which is managed through the Office of Indigenous Policy Coordination. OAH understands that no further Commonwealth funding would be identified until the housing management issues at Yalata were resolved. Ms Johnson assured the Committee that she would check on the governance status of Yalata and whether or not there still exist any funding blockages.⁹²

In response to further questions from Committee members, Ms Johnson and Ms Butler provided the following information:

- The Office for Aboriginal Housing (OAH) has three staff dedicated to visiting Aboriginal communities at least six-weekly.

⁸⁸ Evidence D Butler, 14 September 2006, Q161

The Committee received further and updated information regarding Pathway Housing from the Office for Aboriginal Housing. Appendix C Documents Received 28 May 2007 (D385).

⁸⁹ Evidence L Johnson, 14 September 2006, QQ161-162

⁹⁰ Evidence L Johnson, 14 September 2006, QQ161-162

⁹¹ Evidence L Johnson, 14 September 2006, Q163

⁹² Evidence L Johnson, 14 September 2006, QQ163-174

- In determining the type of community housing: the community can negotiate the type and size of a house; OAH consult with the community; OAH use prototypes for remote housing that can be modified; and OAH ensure the community signs off on the final plans prior to construction commencing.
- The community housing program receives \$12.5 million annually from the Commonwealth Government, and South Australia can clearly identify where the money has been committed each financial year.⁹³

7.4 Aboriginal Lands Trust (ALT)

The *Aboriginal Lands Trust Act 1966*, commenced operation in December 1966, and was the first major legislative recognition of Aboriginal land rights in Australia. The year 2006 marked the 40th anniversary of the passing of the Act. In order to celebrate this anniversary and the enduring significance of the Act, the Aboriginal Lands Parliamentary Committee hosted a special 40th Anniversary luncheon at Parliament House for members of the Aboriginal Lands Trust (ALT).

Following the lunch a formal meeting of the Committee was convened to hear evidence from the Aboriginal Lands Trust members on their past achievements, current experiences and long-term plans.

Accordingly, on 4 December 2006, the Committee heard evidence from Mr George Tongerie (Chairperson ALT); Mr John Chester (General Manager ALT); Mr Henry Rankine (Deputy Chairperson ALT); Mr Kingsley Abdulla (Gerard Community Council); Mr Haydn Davey (Port Lincoln Aboriginal Community Council); Mr Reg Dodd (Marree Arabunna People's Committee); Mr Ian Johnson (Nepabunna Community Council); Ms Mabel Lochowiak (Umoona Community Council); Mr Philip Milera (Koonibba Aboriginal Community Council); Ms Elaine Newchurch (Goreta Aboriginal Corporation); Mr Keith Peters (Yalata Community Council); Mr Peter Rigney (Raukkan Community Council); and Mr Brett Miller (Tjutjunaku Worka Tjuta – TWT-Ceduna).

The ALT tabled a directions report for the Committee's information and reference during their evidence.⁹⁴ Mr Chester thanked the Committee for recognising the ALT's 40 years, stating that they have come a long way, with persistent efforts in the 1990s by the ALT Board to improve its finances and staffing in response to community aspirations for improved land management and economic development.⁹⁵

⁹³ Evidence L Johnson, D Butler, 14 September 2006, QQ179-182

The Committee received further responses and attachments from the Office for Aboriginal Housing concerning: the Ceduna Town Camp; Pathway Housing in Kuhlmann Street; Ceduna and Sturt Street, Adelaide; capital works funding; and community housing at Yalata. Appendix C Evidence Received 22 November 2006 (D320).

⁹⁴ "Aboriginal Lands Trust Directions Report" See Appendix C Documents Received 5 February 2007 (D340)

⁹⁵ Evidence J Chester, 4 December 2006, Q219

Mr Chester's evidence to the Committee covered a range of topics including:

- land management
- review of the *Aboriginal Lands Trust Act 1966*
- lease upgrade
- insurance of ALT properties
- ALT resourcing
- Federal issues.

Land Management

Mr Chester informed the Committee that the ALT was the first Aboriginal organisation in Australia to have developed a strategy for its Aboriginal-managed lands.⁹⁶ Further the ALT had built a Landcare team with a sound reputation across the State, however he considered that this role was now diminished (with only two Landcare Officers) as a result of the regionalisation of natural resource management.⁹⁷

Review of the Aboriginal Lands Trust Act 1966

Mr Chester stated that the ALT Board welcomed the government's intention to review the ALT Act, noting that the review of the Act will determine the future directions of ALT and its communities. Mr Chester emphasised the importance of involving the communities in the review of the ALT Act and the need to include greater ALT involvement in the management of communities.⁹⁸ The ALT understands that the review has been deferred in order to first deal with the lease upgrade.

Lease Upgrade

Mr Chester further stated that the ALT Board welcomed the upgrade of its leases, comprising over 400 leases covering Aboriginal lands, houses and commercial interests. New lease formats are being prepared in conjunction with the Aboriginal Affairs and Reconciliation Division, Department of Premier and Cabinet (AARD/DPC) and Crown Law. Mr Chester advised of the ALT's concern that it has not the staffing resources to undertake this lease upgrade and is eager for closer cooperation with government during the process.

⁹⁶ Evidence J Chester, 4 December 2006, Q221
SAMLISA Steering Committee. 2000 *Sustainable resource management: Strategy for Aboriginal managed lands in South Australia*. Aboriginal Lands Trust, Adelaide

⁹⁷ Evidence J Chester, 4 December 2006, Q219

⁹⁸ Evidence J Chester, 4 December 2006, Q221, Q243

Further Mr Chester explained, in response to a Committee member's question, that the lease upgrade is a huge task, involving individual community assessment and consultation, best undertaken, in his view, by a dedicated "roadshow" team.⁹⁹

In regard to commercial leases, whilst these are still to be finalised, the ALT has entered into commercial agreements with:

- Yalata - Head of Bight, Roadhouse (Ceduna), community centre swimming pool, mining
- Gerard - almond orchard, houseboats mooring
- Point Pearce - share farming, house rental program
- Tandanya - café sublease
- Glossop - facilities lease
- Wellington – agisting
- Raukkan – forestry
- Yarilena – marina
- Sussex Street, North Adelaide – accommodation.

Mr Chester later noted that the ALT is moving into a new phase - that of using Aboriginal land for economic development.¹⁰⁰ However as Mr Davey from Port Lincoln emphasised to the Committee, obstacles to progress can be very frustrating:

We have fought like hell for years to get involved in aquaculture, but do you think we can find a way? The processes are just too far away for us to get to. We put up all the points of view, and we negotiate with the people who are involved; we even get them on our side. The tuna farming families are very supportive of us, but goodwill is nothing without dollars. We get short circuited.

We are still today without an economic opportunity within Port Lincoln. Is it going to pass us by? Somehow there has to be some process made easier for us. We are not saying that we want any easy way out of it, because we will do the hard yards. We have to learn and we have to do this, but we are never going to get a chance to learn because no one is giving us an opportunity.¹⁰¹

In response, Mr Chester spoke to the Committee of the need for an economic development team within ALT or within Aboriginal communities.

⁹⁹ Evidence J Chester, 4 December 2006, QQ229-230

¹⁰⁰ Evidence J Chester, 4 December 2006, Q221

¹⁰¹ Evidence H Davey, 4 December 2006, Q221

Insurance of ALT Properties

Mr Chester explained that whilst all properties have blanket cover from SAICORP, clarity is needed as to the level of cover. Changes at a Commonwealth level resulting in cuts to municipal services funding is impacting upon communities' administration abilities, including negotiating insurance cover. Further changes locally such as at Point Pearce, have resulted in the ALT taking on additional insurance obligations.

ALT Resourcing

Mr Chester raised with the Committee his concerns that the ALT is shouldering a lot of responsibility without adequate staffing resources to properly discharge its duties. The lease upgrade is very resource intensive and the ALT needs more funds to employ more staff to support its communities.¹⁰²

Currently the ALT has four staff funded by the State – receptionist, finance officer, project officer and General Manager - and two Landcare Officers funded by the Commonwealth (Natural Heritage Trust).¹⁰³

Federal Issues

Mr Davey and Mr Chester stated to the Committee that they have spoken to the Commonwealth Department of Families and Communities and Indigenous Affairs (FaCSIA) about the federal changes to the Community Development Employment Projects (CDEP) program and municipal services funding, that are causing concern in communities.¹⁰⁴

Summary Remarks

In outlining the ALT's many challenges Mr Chester spoke of the ALT's need for wider community attention and government responsiveness, and in describing the ALT's many positive aspects he stated:

The ALT maintains its pre-eminent position among Aboriginal communities because of its great capacity to listen, its willingness to respond, its loyalty to community councils and, whenever financially capable, its willingness to assist. It is well placed to take on the extra staff it needs for economic development and land management to meet the challenges set by government. It continues to host the Commonwealth funded Indigenous Land Management Facilitator for South Australia and maintains useful dialogue with the Commonwealth FACSIA on matters relevant to its communities' wellbeing.¹⁰⁵

¹⁰² Evidence J Chester, 4 December 2006, Q222-224

¹⁰³ Evidence J Chester, 4 December 2006, QQ245-246

¹⁰⁴ Evidence J Chester, 4 December 2006, Q224-225

¹⁰⁵ Evidence J Chester, 4 December 2006, Q219



Aboriginal Lands Trust Members and ALPSC Members sharing lunch in Parliament House for the 40th anniversary of the *Aboriginal Lands Trust Act 1966* (4 December 2006).

7.5 Local Government Association of South Australia

On 19 February 2007, the Committee heard evidence from Mr Chris Russell, Director, Policy and Public Affairs, of the Local Government Association.

Mr Russell commenced with a brief summary of Local Government Association (LGA) initiatives related to Indigenous issues over the last 16 years:

- The development of the Morton Report “Local Councils Belong to Aboriginal People Too”, which identified a range of issues, notably that the Commonwealth Financial Assistance Grants did not cover communities outside the 68 Councils and the Outback Areas Trust, namely Maralinga Tjarutja, APY, Gerard, Nepabunna and Yalata.¹⁰⁶
 - In 1995 the State Government and LGA were successful in resolving this issue with the five abovementioned organisations being eligible for Commonwealth Financial Assistance Grants.
- The review of the Morton Report – the Gould Report “Local Councils Belong to Aboriginal People 2” – published a new strategy, updating key issues and identifying positive developments.¹⁰⁷

¹⁰⁶ “Local Councils Belong to Aboriginal People Too”, February 1994, Morton Consulting Services Pty Ltd., Local Government Association of South Australia
Evidence C Russell 19 February 2007, Q250

¹⁰⁷ “Local Councils Belong to Aboriginal People 2”, June 2000, Janet Gould and Associates

- A further publication “Examples of Working Together in South Australia”¹⁰⁸, described case studies of activities that councils had been undertaking with Indigenous communities.
- The LGA has documented the development of a formal agreement between Raukkan Aboriginal Community and the Coorong District Council.
- The LGA produced information sheets clarifying roles and responsibilities of the three tiers of government with regard to grants and funding to Indigenous communities.
- The LGA has been involved as a party to the Statewide Indigenous Land Use Agreement (ILUA) negotiations which resulted in a template for ILUAs for native title and the production of a DVD.

In canvassing current issues, Mr Russell foreshadowed the LGA’s involvement in a Commonwealth-funded project involving five ALT communities (Raukkan, Davenport, Umoona, Point Pearce and Koonibba), the Local Councils within which they are encapsulated, and the issue of federal municipal services funding.¹⁰⁹

Mr Russell highlighted issues likely to arise during the course of the project such as the operation of legislation namely the *Aboriginal Lands Trust Act 1966*, the *Dog and Cat Management Act 1995*, rating land, and rubbish collection on ALT properties.

7.6 Aboriginal Affairs and Reconciliation Division, Department of Premier and Cabinet (AARD/DPC)

On 19 February 2007, the Committee again heard evidence from Ms Joslene Mazel, Executive Director AARD/DPC. Ms Mazel’s evidence covered topics including: safe housing in Ceduna; APY Lands Service delivery; APY Lands housing; *Aboriginal Lands Trust Act 1966* Review; and the ALT Lease upgrade.¹¹⁰

Safe Housing in Ceduna

Following discussion between Ms Mazel and the Committee in regard to safe housing in Ceduna and the purpose of the Kuhlmann Street Units, Ms Mazel offered to provide the Committee with an up to date briefing on the matter.¹¹¹

¹⁰⁸ “Examples of Working Together in South Australia”, November 2000, Local Government Association of South Australia, Department of State Aboriginal Affairs

¹⁰⁹ Subsequently known as “Local Government Services and Encapsulated Indigenous Communities in South Australia”. The Report to Stakeholders (through the LGA) was received by the Committee outside the reporting period for this Annual Report and will be referenced in the ALPSC Annual Report for 2007/2008, Documents Received.

¹¹⁰ Ms Mazel’s evidence was further supplemented by an extensive briefing to the Committee contained in a letter dated 20 March 2007. Appendix C Documents Received 26 March 2007 (D372).

¹¹¹ See reference above - Appendix C Documents Received 26 March 2007 (D372).

APY Lands Service Delivery

Ms Mazel informed the Committee that currently a review is underway, with AARD staff consulting with each community about the potential for a regional service. The review team are due to report back by June 2007.¹¹²

APY Lands Housing

Ms Mazel further informed the Committee that as a result of a meeting with the Commonwealth in late 2006, the Commonwealth was planning to develop a proposal and put a conditional offer to the State, which was imminent (at the time of Ms Mazel's evidence).¹¹³

Review of the Aboriginal Lands Trust Act 1966

Ms Mazel stated that there is broad agreement that the *Aboriginal Lands Trust Act 1966*, needs to be reviewed and modernised, having to date never been reviewed. The terms of reference and extent of the review are still being negotiated and the Aboriginal Lands Trust "will be part of that process of determining the extent of the review and also participating in the outcome."¹¹⁴

ALT Lease Upgrade

Ms Mazel described to the Committee the complexity of the lease upgrade process with the need to identify and locate all third parties with an interest in the lease, involving letters to all the communities.¹¹⁵ The process has taken approximately 18 months and there remain some outstanding responses.¹¹⁶

Ms Mazel clarified that the Aboriginal Lands Trust (ALT) are funded to do this work – they are an entity in their own right and are not managed by AARD. AARD are providing support and have dedicated a resource out of their own limited resources to assist ALT with this process.¹¹⁷ ALT has requested support from AARD for a wide range of other matters in addition to the lease upgrade.¹¹⁸

¹¹² Evidence J Mazel, 19 February 2007, Q276, Q279

¹¹³ Evidence J Mazel, 19 February 2007, Q306. See also Appendix C Documents Received 26 March 2007 (D372).

¹¹⁴ Evidence J Mazel, 19 February 2007, Q283

¹¹⁵ In the briefing letter of 20 March 2007, Ms Mazel provided the Committee with a copy of the proforma letter, as drafted by Crown Law. Appendix C Documents Received 26 March 2007 (D372).

¹¹⁶ Evidence J Mazel, 19 February 2007, Q284

¹¹⁷ Evidence J Mazel, 19 February 2007, Q285

¹¹⁸ Evidence J Mazel, 19 February 2007, Q290

Ms Mazel informed the Committee that draft template leases are being developed with Crown Law for future use, whilst currently many invalid leases need rectifying.¹¹⁹ Further, AARD are in discussion with SAICORP to identify and resolve the insurance issues.¹²⁰

In concluding her evidence, Ms Mazel informed the Committee that AARD are developing one-page fact sheets on particular issues they are promoting and supporting, such as native foods or a youth service.¹²¹

7.7 Electricity Trust South Australia (ETSA) Utilities

On 26 March 2007, Mr Lewis Owens, Chief Executive Officer for ETSA Utilities gave evidence on ETSA Utilities' initiatives in the area of Indigenous employment.

Background

Mr Owens firstly provided some background for the Committee, stating that ETSA Utilities has been awarded the distribution license for three important Aboriginal areas in South Australia, being the APY Lands, Maralinga Lands and the Yalata lands, and have won the government contract to construct a major transmission line through the APY Lands.

With the mining boom taking affect in South Australia, Mr Owens has seen a lot of activity north of Port Augusta and again ETSA Utilities has been successful in winning an \$80 million contract with Oxiana for their Prominent Hill site, and also they are working with BHP Biliton around Roxby Downs.¹²²

In terms of the ETSA Utilities' workforce, Mr Owens stated that it is ageing and due to the lack of apprenticeship training in the 1990s, there is a significant workforce shortage of young people. Also upon commencing with ETSA Utilities one and half years ago, Mr Owens stated he was surprised to find that there was only one Indigenous employee. Mr Owens advised that ETSA Utilities workforce projections required 40-50 apprentices per annum for the next decade to meet the demand and ageing workforce. In the last three years they have taken on 30-35 apprentices.¹²³

With ETSA Utilities and their sister company PowerCorp covering from Ceduna to Melbourne and up to Roxby Downs and beyond, Mr Owens emphasised that they are in a dominant and significant position with respect to employment in rural and remote areas.¹²⁴

¹¹⁹ Evidence J Mazel, 19 February 2007, Q286. In the briefing letter of 20 March 2007, Ms Mazel provided the Committee with templates for specific types of property dealings. Appendix C Documents Received 26 March 2007 (D372).

¹²⁰ Evidence J Mazel, 19 February 2007, Q293

¹²¹ Evidence J Mazel, 19 February 2007, Q314

The Committee subsequently received copies of some of these fact sheets from AARD. Appendix C Documents Received 26 March 2007 (D372).

¹²² Evidence L Owens, 26 March 2007, Q322

¹²³ Evidence L Owens, 26 March 2007, Q322

¹²⁴ Evidence L Owens, 26 March 2007, Q322

Indigenous Employment

Mr Owens explained that ETSA Utilities consider their need to employ 40 apprentices each year as an opportunity for Indigenous employment, and commenced an Indigenous employment program in which ETSA employees visited schools and promoted job opportunities with ETSA. Unfortunately due to the literacy and numeracy requirements only two of the 35 apprentices were Indigenous.¹²⁵

To redress this training need ETSA Utilities embarked upon widespread consultation with government and non-government agencies, which led them to focus their work on Port Augusta. Mr Owens spoke to the Committee of the many training organisations and initiatives in Port Augusta that he became aware of in promoting Indigenous training for employment in the electricity industry, such as the Polly Farmer Foundation, and the Clontarf Foundation.¹²⁶

In particular Mr Owens spoke of partnerships between Port Augusta Secondary School, TAFE and the SA Chamber of Mines and Energy and its expansion to include electrical and infrastructure elements. Mr Owens has encouraged SA Water to also join the program. Mr Owens advised the Committee that in 2007, there are 15 Year 11 students in this program at the Port Augusta Secondary School, with a view to rolling it out across other State schools.¹²⁷ Mr Owens stated that he would hope to employ five to ten Indigenous people out of the 40 apprenticeships.¹²⁸

Mr Owens informed the Committee of ETSA's plans to develop a second training facility in Port Augusta and their discussions with the Davenport Aboriginal Community in regard to entering into a commercial lease for an outdoor training facility. Mr Owens stated that progress on this initiative has been made more difficult by the Commonwealth Government's cuts to municipal services funding to Davenport Community Council.¹²⁹ ETSA Utilities are also looking for support from the Port Augusta City Council and State Government.¹³⁰

Mr Owens regards this facility as having the potential for further development to provide training for infrastructure, construction and the mining industries, particularly in light of the Oxiana-BHP Biliton development in the State's north.

I see it as an opportunity to move down the collaborative path of private industry, government, and the Aboriginal communities in creating real and sustainable business and job opportunities for Indigenous people.¹³¹

Mr Owens also informed the Committee of the work of the ETSA Charitable Foundation.¹³²

¹²⁵ Evidence L Owens, 26 March 2007, Q322

¹²⁶ Evidence L Owens, 26 March 2007, QQ327-329

¹²⁷ Evidence L Owens, 26 March 2007, Q329

¹²⁸ Evidence L Owens, 26 March 2007, QQ354

¹²⁹ Evidence L Owens, 26 March 2007, QQ329-330, Q337

¹³⁰ Evidence L Owens, 26 March 2007, QQ329-330

¹³¹ Evidence L Owens, 26 March 2007, Q331

¹³² Evidence L Owens, 26 March 2007, Q331

The Committee and Mr Owens engaged in further discussion in relation to the challenges of employing staff from culturally diverse backgrounds.¹³³

The Committee congratulated Mr Owens on ETSA Utilities' initiatives to promote Indigenous training and employment.¹³⁴

7.8 Primary Industries and Resources, South Australia (PIRSA)

Dr Paul Heithersay, Executive Director, Mineral and Energy Resources, PIRSA, gave evidence to the Committee on 30 April 2007, in regard to PIRSA's role on the Maralinga Tjarutja (MT) Lands and the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands.

Dr Heithersay explained that PIRSA's role has mainly been in the APY Lands, in the area of mineral exploration. More than 90 applications exist for mineral exploration (from approximately 15 different companies) and PIRSA is working closely with APY to advance exploration.

The State Government's PACE plan acknowledges the need to work with Aboriginal communities, particularly APY, not only to expedite mineral exploration, but also to equip APY to take advantage of the opportunities for economic development.¹³⁵ PIRSA has taken some traditional owners to visit mines in Western Australia and the Northern Territory to gain a broader understanding of mining which has proven very successful.¹³⁶

Dr Heithersay spoke of the two-way learning process and how PIRSA now better understands that the two key issues for Anangu are: employment for the young people; and managing their cultural heritage.¹³⁷

In response to a wide range of questions from Committee members, Dr Heithersay stated the following:

- A best practice example of Indigenous communities working with mining companies is Ngarda Civil and Mining. This is a mining contract company, run by Aboriginal people, for Aboriginal people which started operations in the Pilbara, Western Australia.¹³⁸

¹³³ Evidence L Owens, 26 March 2007, Q339-334

¹³⁴ Evidence L Owens, 26 March 2007, Q339-344

¹³⁵ PIRSA, April 2004, "Unlocking South Australia's Mineral and Energy Potential - A Plan for Accelerating Exploration (PACE)", MESA Journal, Issue 33, Theme 5 "Resource Development and Sustainable Communities".

¹³⁶ Evidence P Heithersay 30 April 2007, Q369

¹³⁷ Evidence P Heithersay 30 April 2007, Q357

¹³⁸ Evidence P Heithersay 30 April 2007, Q360.

Ngarda Civil and Mining (NCM) has a workforce of 168, of whom 85% are Indigenous. NCM won the 2003 Prime Minister's Awards for Large Business Excellence. *The Australian* 24 July 2006.

A further example is Oxiana who have set the benchmark for training previously long-term unemployed Indigenous people,¹³⁹ with other examples also in Canada, where Indigenous communities are negotiating with mining companies to maximise their opportunities.¹⁴⁰

- It will be at least five, more likely ten years before mining commences on the APY lands, as exploration is a very risky business with around one in 500 prospects turning into a mine. The APY Lands have a high potential for good nickel deposits, with nickel mineralisation found over the border in Western Australia.¹⁴¹
- There is little difference between the *Maralinga Tjarutja Land Rights Act 1984*, and the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*, in terms of their mining processes. Both require broad community consultation and deeds of access for operators.¹⁴²
- PIRSA have assisted APY with building their capacity to deal with the requirements of the Act, through funding a Mining Liaison Officer and a Traditional Owner to work together and consult with the companies and Traditional Owners.¹⁴³
- The 90 exploration licenses cover 100 % of the APY Lands and neither APY Executive nor any Indigenous organisation currently hold an exploration licence.¹⁴⁴
- PIRSA are very enthusiastic as they are aware of mineralisation in Western Australia and through airborne geophysics over the area, they can see pattern replications in South Australia.¹⁴⁵
- All mines in South Australia require a mine rehabilitation plan before they are allowed to commence. The plan requires the land to be returned as close as possible to its original landform. The mineral sands mine is a good example of rehabilitation, in particular Iluka sand mining near Ceduna.¹⁴⁶
- Dr Heithersay stated his belief that it is important to consult early and often with Traditional Owners in regard to where mining can and cannot occur. With the assistance of anthropologists, databases and a GIS system, acceptable mining areas have been well defined. The recording of heritage sites in the process has been of assistance and reassurance to Traditional Owners.¹⁴⁷

¹³⁹ Evidence P Heithersay 30 April 2007, Q369

¹⁴⁰ Evidence P Heithersay 30 April 2007, Q369

¹⁴¹ Evidence P Heithersay 30 April 2007, Q363

¹⁴² Evidence P Heithersay 30 April 2007, Q364

¹⁴³ Evidence P Heithersay 30 April 2007, Q365

¹⁴⁴ Evidence P Heithersay 30 April 2007, QQ370-373

¹⁴⁵ Evidence P Heithersay 30 April 2007, Q378

¹⁴⁶ Evidence P Heithersay 30 April 2007, Q379. <http://www.iluka.com>

¹⁴⁷ Evidence P Heithersay 30 April 2007, QQ381-383

- Royalties paid by mining companies back to the State Government are 3.5% of mine gate value. For a new mine, royalties are 1.5% for five years and for existing mines, 3.5%. In relation to the APY Lands, one third of the 3.5% is paid to government, one third to APY, and one third to the Aboriginal Affairs and Reconciliation Division of the Department of Premier and Cabinet. Dr Heithersay highlighted that effectively two thirds go back to the Aboriginal community in some way.¹⁴⁸

7.9 Raukkan Community Council

As part of the Committee's inquiry into the impact of Australian Government changes to municipal services funding upon four Aboriginal Communities in South Australia, the Committee heard evidence from Raukkan, Koonibba, Davenport and Umoona Community Councils, the Port Augusta City Council and the District Council of Coober Pedy.¹⁴⁹

On 28 May 2007, the Committee heard evidence from Raukkan Community Council and Raukkan Community Development Employment Projects (CDEP) Program: Mr Francis Lovegrove (General Manager, Raukkan CDEP), Mr Gerry Zuidam (Bookkeeper, Raukkan CDEP), Mr Andrew Sumner (Chairperson, Raukkan Community Council), Mr Robert Blades (Councillor, Raukkan Community Council), Mr Terry Bruun (Municipal Services Officer, Raukkan Community Council), Mr Derek Walker (Manager Natural Resource Management, Raukkan Community), and Mr Michael Carmody (Director, Intent MC Pty Ltd).

The witnesses' evidence covered a wide range of topics, summarised under the headings: Employment; Governance; Compensating for Changes; Outside Agencies; Consultation with the Australian Government; and CDEP.

During the course of their discussion, with all witnesses contributing, the Committee was informed of the following:

Employment

- Municipal services funding to Raukkan Community Council has been reduced by \$115 K from 2005-2006, and there are concerns it may drop significantly again in 2006-2007.¹⁵⁰
- Raukkan Community Council has lost seven staff including its Coordinator, carpenters and maintenance workers within a two-three month period in 2006.¹⁵¹
- Employees who have worked for Council for 26 years were given two months notice.¹⁵²

¹⁴⁸ Evidence P Heithersay 30 April 2007, QQ384-385

¹⁴⁹ See section 8.2 "Inquiry into the impact of Australian Government changes to municipal services funding upon four Aboriginal Communities in South Australia".

¹⁵⁰ Evidence G Zuidam, 28 May 2007, Q402

¹⁵¹ Evidence D Walker, 28 May 2007, Q394

¹⁵² Evidence D Walker, 28 May 2007, Q394

- The position of Municipal Services Officer - a key employee of council – has not progressed due to the uncertainty of funding.¹⁵³
- There is limited transport available from Raukkan for community members to seek employment in Murray Bridge and Monarto.
- It is a difficult shift for community members to find work outside the community requiring substantial support to make that transition.¹⁵⁴

“We are a small community. If you lose seven full-time jobs out of the place you are devastated, and that is what happened. No-one wanted to be involved. We had a hard time getting a council together because people could not see the future. That was quite a painful period. It was painful for me as Chair.”¹⁵⁵

Governance

- Raukkan Community Council is unable to operate and to implement the decisions of its Council – it has no operational capacity and no administrative support and therefore no real governance capacity.¹⁵⁶
- The CDEP Manager or Council Chairperson is acting as Council’s Chief Executive Officer, with no staff to support them.¹⁵⁷
- Raukkan Community Council as the elected body is highly motivated but needs the resources to function as a community council and provide leadership.¹⁵⁸
- The constitution of Raukkan Community Council (1974) needs to change in line with current community needs, including external appointees with specific expertise for example business expertise.¹⁵⁹

Compensating for Changes

- Raukkan Community Council has paid for the redundancies and restructure process out of money that has been saved by the community.
- The Council are concerned that they will need to sell assets to fund redundancies.

“Those savings were there to put to use for whatever cause the community felt. Money is tight and difficult in communities and it was then used for the redundancy.”¹⁶⁰

¹⁵³ Evidence T Bruun, 28 May 2007, Q397

¹⁵⁴ Evidence M Carmody, 28 May 2007, QQ397-398

¹⁵⁵ Evidence D Walker, 28 May 2007, Q394

¹⁵⁶ Evidence F Lovegrove, 28 May 2007, Q394, Evidence M Carmody, 28 May 2007, Q395

¹⁵⁷ Evidence M Carmody, 28 May 2007, Q395

¹⁵⁸ Evidence T Bruun, 28 May 2007, Q397

¹⁵⁹ Evidence A Sumner, 28 May 2007, Q390, Evidence F Lovegrove, 28 May 2007, Q398

¹⁶⁰ Evidence D Walker, 28 May 2007, Q 394

Outside Agencies

- A consultant working with the community has had difficulty implementing a Shared Responsibility Agreement, finding the functionality of the community dramatically impacted by staff losses due to funding cuts.
- Outside agencies face major difficulties in contacting the community with no administrative staff, office, phone nor fax.¹⁶¹

“So you have had this whole process of uncertainty, demoralisation, trauma, loss of engagement and employment and trying to implement other parts of the Shared Responsibility Agreement. To be frank, it is just not able, within that context, to do things that people really want to do.”¹⁶²

Consultation with the Australian Government

- The community has found the changes to municipal service funding have been sudden and devastating in their impact.

“The way the Public Service actually brought about the change, I think was disrespectful. It really did not take into account what was happening in the community.”¹⁶³

Community Development Employment Projects (CDEP) Program

- Raukkan CDEP is too small to stand alone and will operate out of Adelaide CDEP as an outreach program.
- The employment of current staff is uncertain with contracts for the General Manager and Bookkeeper concluding on 30 June 2007.¹⁶⁴

Towards the conclusion of evidence, the Committee heard of the growing success of Raukkan Farm as a business enterprise, rapidly paying off its debt and employing four full-time and two part-time staff.¹⁶⁵

Witnesses also spoke of Raukkan’s future, noting the uncertainty regarding Aboriginal Lands Trust leases and land title, and the need for increased resourcing of the Aboriginal Lands Trust. Further they spoke of the need for assistance from State and Local Government to ameliorate the immediate impacts of the federal changes that have been so substantial.

¹⁶¹ Evidence M Carmody, 28 May 2007, Q395

¹⁶² Evidence M Carmody 28 May 2007, Q395

¹⁶³ Evidence D Walker, 28 May 2007, Q394

¹⁶⁴ Evidence M Carmody, 28 May 2007, Q417, Evidence F Lovegrove, 28 May 2007, Q415

¹⁶⁵ Evidence D Walker, 28 May 2007, Q401

For example, they suggested that an exit strategy needs to be developed to enable community members access to work, with the skills for work,¹⁶⁶ and that Community Housing could be linked to State Housing so Raukkan residents with a house, can access a house in Murray Bridge.¹⁶⁷

7.10 Koonibba Community Council and Tjutjunaku Worka Tjuta (TWT)

On 4 June 2007, the Committee heard evidence from Mr John Thomas (Coordinator, Koonibba Aboriginal Community Council), Mr Adrian Miller (Vice Chairman, Koonibba Aboriginal Community Council), Ms Sharon Yendall (Acting Chief Executive Officer, Tjutjunaku Worka Tjuta - CDEP Ceduna), Mr Brett Miller, (Manager, Tjutjunaku Worka Tjuta - CDEP Ceduna), and Mr Mitch Dunnett, (Municipal Services Coordinator, Tjutjunaku Worka Tjuta - CDEP Ceduna).

The witnesses' evidence covered a wide range of topics, including: Municipal Services Funding; Employment; CDEP; and Consultation with Government. During the course of the discussion, with all witnesses contributing, the Committee was informed of the following:¹⁶⁸

Municipal Services Funding

- As at 4 June 07, TWT had received no communication as to whether they will receive Australian Government municipal services funding for 2007-2008.¹⁶⁹
- Koonibba Council will receive a further 12 months municipal services funding from the Australian Government¹⁷⁰, but uncertainty exists as to whether Ceduna District Council or Koonibba Council will deliver services from July 2008.¹⁷¹
- Koonibba Aboriginal Community Council provides various services funded by the Australian Government's municipal services funding including: sewerage plant; roads; funeral coordination; farm weed control; housing repairs and maintenance.

¹⁶⁶ Evidence D Walker, 28 May 2007, Q399

¹⁶⁷ Evidence D Walker, 28 May 2007, Q399

¹⁶⁸ See section 8.2 "Inquiry into the impact of Australian Government changes to municipal services funding upon four Aboriginal Communities in South Australia".

¹⁶⁹ Evidence S Yendall, 4 June 2007, Q504. Subsequently, on 26 July 2007, Ms Yendall informed the Committee's Executive Officer that TWT will be directly funded at the same level as the previous year.

¹⁷⁰ Evidence J Thomas, 4 June 2007, Q503

¹⁷¹ Evidence M Dunnett, 4 June 2007, Q506, Evidence J Thomas, 4 June 2007, Q515-516

Employment

- Iluka Resources Ltd.,¹⁷² have indicated that there is the potential for approximately 250 jobs and they are able to employ Indigenous people if qualified. Plant and operations tickets are required, however many do not meet the educational standard to get these qualifications.¹⁷³
- The Native Title Group have had discussions with Iluka and would like further discussions with contractors to request employment opportunities for Aboriginal people.
- Ceduna Council and Economic Development Board are also raising these issues but improved coordination is needed with assistance from the Eyre Regional Development Board.
- TWT has taken the initiative to progress Indigenous employment opportunities in the Ceduna area.

*Community Development Employment Projects (CDEP) – TWT (Ceduna)*¹⁷⁴

- TWT (Ceduna CDEP) has ten staff (five Supervisors and five office staff) and their funding has been extended for 18 months.¹⁷⁵ They deliver seven programs that would be at risk if funding ceased:
 - Yard/Garden Gang
 - Arts and Culture Centre
 - Homelands Municipal Services
 - Emu Farm Training Centre
 - Host Employers
 - Sports and Recreation
 - Raising Awareness for West Coast Aboriginal Languages.
- TWT has income generated from the previous year enabling it to finance some of the CDEP program, whilst awaiting Australian Government funding.
- TWT has a policy of no work, no pay and is training participants for employment in Iluka mineral sands industry. Of the 70 TWT participants, four are working with Iluka, and a large proportion are young people aged 16-25 years.

¹⁷² Iluka Resources Ltd., Jacinth-Ambrosia, Eucla Basin, South Australia – Project: Continuing exploration and resource delineation of zircon-rich province. <http://www.iluka.com>

¹⁷³ Evidence M Dunnett, 4 June 2007, Q474

¹⁷⁴ Ms Yendall tabled an information brochure about Tjutjunaku Worka Tjuta Inc. Appendix C Documents Received 4 June 2007 (D386).

¹⁷⁵ Evidence M Dunnett, 4 June 2007 Q435

- The new CDEP guidelines are a real concern in regard to the time limiting of CDEP participants for one year. This is not long enough to have trained participants to be job ready to gain employment – four years at least is needed with at least 60% of participants needing some sort of training. Some are unable to read or write and they are expected to learn in 12 months.¹⁷⁶
- Most job-ready people are employed but there exists a large skills gap - TWT are focussing on current participants to become job ready which will take longer than 12 months. When people transfer from CDEP to Centrelink, there is not a big change in income, but there is a loss of training opportunities and the expectation to engage in a work test.

Community Development Employment Projects (CDEP) - Koonibba

- Koonibba CDEP has been operating for 20 years, has four staff and 46 participants. It is a small CDEP organisation with significant overhead costs.
- Koonibba CDEP services include: Women's group; Yard gang; Bus driver; School Worker (soon to commence); Ceduna Health; and Town Camp.
- Koonibba CDEP participants are disadvantaged as they have transport difficulties needing a car and money for petrol to get a job in Ceduna. The bus service operates only once a day, making night work difficult.
- The psychological and social impact upon the community resulting from changes to government policy such as CDEP, needs to be assessed.¹⁷⁷

Consultation with Government

Witnesses expressed their concerns stating that:

- Government officers are not visiting communities and there is a lack of communication and consideration of the community's view.¹⁷⁸
- There has been no discussion with the Australian Government or Ceduna District Council about formal service agreements.¹⁷⁹
- There is a need to improve the relationship with Ceduna District Council.¹⁸⁰

¹⁷⁶ Evidence S Yendall, 4 June 2007 Q433, Q443

¹⁷⁷ Evidence J Thomas, 4 June 2007, Q449

¹⁷⁸ Evidence M Dunnett, 4 June 2007, Q506, Evidence J Thomas, 4 June 2007, Q507

¹⁷⁹ Evidence M Dunnett, 4 June 2007, QQ533-534

¹⁸⁰ Evidence M Dunnett, 4 June 2007, Q490

Further concerns were raised regarding: the lack of a police post in Koonibba;¹⁸¹ unsatisfactory leasing and rating arrangements for ALT land at Koonibba; title to homelands;¹⁸² and social problems arising from an influx of people from Maralinga and Yalata.¹⁸³

Positive Initiatives and Outcomes

Witnesses highlighted some positive initiatives and outcomes including:

- Ceduna Homelands have little crime, and children are attending school.¹⁸⁴
- Tjutjunaku Worka Tjuta (TWT) has excellent training and employment outcomes with most job ready people now employed.¹⁸⁵
- Koonibba Pre-School and Child Care Centre has been a success with 98 children enrolled.¹⁸⁶

7.11 Port Augusta City Council (PACC)

On Wednesday 13 June 2007, the Committee heard evidence from Mrs Joy Baluch, (Mayor Port Augusta City Council), and Mr John Stephens (City Manager, Port Augusta City Council). Their evidence focussed specifically on the issue of Australian Government changes to municipal services funding and impacts upon the Port Augusta City Council and Davenport Community Council.¹⁸⁷

Mr Stephens stated that the Port Augusta City Council (PACC) has adopted the view that they will provide services to the Davenport Community, if they deem them to be appropriate, and under a fee for service arrangement. PACC may bid or tender for services, but does not feel compelled to deliver services. Whilst they have felt some pressure from the Australian Government to take on the management, governance and services to the Davenport Community, they have resisted this until the resolution of significant issues such as rating, access and infrastructure.¹⁸⁸ PACC is unable to rate Davenport Community residences because they are on land owned by the Aboriginal Lands Trust.¹⁸⁹

Further, the Port Augusta City Council does not believe that it will be able to deliver the services that Davenport Community currently expect and they consider the community will need time to adjust to these changes and become more self-reliant.¹⁹⁰

¹⁸¹ Evidence J Thomas, 4 June 2007, Q498

¹⁸² Evidence M Dunnett, 4 June 2007, QQ527-529

¹⁸³ Evidence M Dunnett, 4 June 2007, Q490

¹⁸⁴ Evidence M Dunnett, 4 June 2007, Q527

¹⁸⁵ Evidence S Yendall, 4 June 2007, QQ433-434, Q454

¹⁸⁶ Evidence J Thomas, 4 June 2007, Q469

¹⁸⁷ See section 8.2 "Inquiry into the impact of Australian Government changes to municipal services funding upon four Aboriginal Communities in South Australia".

¹⁸⁸ Evidence J Stephens, 13 June 2007, Q562

¹⁸⁹ Evidence J Baluch, 13 June 2007, Q582

¹⁹⁰ Evidence J Baluch, 13 June 2007, Q577

Time and money is also needed to bring the Davenport community's infrastructure up to standard before PACC will take on the services. It is estimated that \$1-2 million is required to lift the infrastructure standard and the Australian Government appeared receptive to meeting this cost.¹⁹¹

Mr Stephens raised his concerns that there was no offer of on-going finance from the Australian Government and they seem to assume that PACC will provide services to the Davenport Community with no compensation.¹⁹² PACC has no contingency plans from 1 July 2007, when funding stops, and they believe it is also a State issue.¹⁹³

PACC met with the Hon Mal Brough MP, Federal Minister for Families, Community Services and Indigenous Affairs, and proposed that the Australian Government fund a project officer to arrange the contracts for those services as an interim measure.¹⁹⁴ PACC further suggested to Minister Brough that the time frame was too short and that it will take time to work through the cultural differences.

PACC believe that in regard to changes to municipal services delivery, a transitional plan needs to be developed between the Australian Government, State Government, PACC and Davenport Community.¹⁹⁵

7.12 Davenport Community Council

On 13 June 2007, the Committee heard from Ms Dawn Matthews (Municipal Closure Officer, Davenport Community Council), Mr Syd Waye (Chairperson, Davenport Community Council) and Mr Malcolm McKenzie (Councillor, Davenport Community Council). Their evidence focussed mainly on the Australian Government changes to municipal service funding and the impacts upon the Davenport Community Council and the Davenport community in general.¹⁹⁶

The witnesses described a wide range of impacts upon their council and their community which are summarised under the following headings: Employment; Governance; Service Delivery; Community Morale; Outside Agencies; and Consultation with Government.

Employment

Ms Matthews stated that, as a consequence of the funding changes, her position as Municipal Closure Officer, is the only staff position remaining to undertake the work of many others, including administration and payroll.¹⁹⁷

¹⁹¹ Evidence J Stephens, 13 June 2007, Q573

¹⁹² Evidence J Stephens, 13 June 2007, QQ584-585

¹⁹³ Evidence J Stephens, 13 June 2007, Q600, Evidence J Baluch, 13 June 2007, Q600

¹⁹⁴ Evidence J Baluch, 13 June 2007, Q607

¹⁹⁵ Evidence J Stephens, 13 June 2007, Q599

¹⁹⁶ See section 8.2 "Inquiry into the Impact of Australian Government Changes to Municipal Services Funding upon Four Aboriginal Communities in South Australia".

¹⁹⁷ Evidence D Matthews, 13 June 2007, Q625

Mr McKenzie provided further information that since December 2006, the Davenport Council has experienced a significant reduction in staff from six staff members to one.¹⁹⁸

Governance

Ms Matthews informed the Committee that funding to pay for office administration will cease from 30 June 2007,¹⁹⁹ and accordingly, Davenport Community Council Councillors will have no administrative support. Councillors may also have to discontinue their representation on wider Port Augusta social committees.

I think the better thing would have been for the federal government, or whoever, to invest in the community, to build up their governance, to build up their capability of delivering better services to the community, and educating the community by investing more and not withdrawing. This is a backward step...There should be a lot more investment into communities.²⁰⁰

Service Delivery

The Davenport Community Council has experienced a significant reduction in service delivery since December 2006, with the loss of their Municipal Services Officer, gardener and two municipal services labourers.²⁰¹

Ms Matthews explained that the Port Augusta Post Office does not deliver mail to Davenport community and from 30 June 2007, the Council's collection of mail from Port Augusta Post Office will cease, causing significant difficulties for community members to collect their mail.²⁰²

Further, Ms Matthews stated her concerns in regard to the unrealistic time frame in which the Australian Government is expecting a change in service delivery (that is by 1 July 2007). She cited the example of only two services (rubbish collection - with scope much reduced and road sweeping) that have been delivered by Port Augusta City Council since the municipal services funding cut in December 2006.²⁰³

Ms Matthews stressed the importance of conducting an infrastructure audit to determine the level and cost of improving the standard of Davenport community's infrastructure.²⁰⁴

¹⁹⁸ M. McKenzie 2007, pers. comm., 20 June

¹⁹⁹ Evidence D Matthews, 13 June 2007, Q643

²⁰⁰ Evidence D Matthews, 13 June 2007, Q631

²⁰¹ M. McKenzie 2007, pers. comm., 20 June

²⁰² Evidence D Matthews, 13 June 2007, Q627

²⁰³ Evidence D Matthews, 13 June 2007, Q619

²⁰⁴ Evidence D Matthews, 13 June 2007, Q642

Community Morale

Both Ms Matthews and Mr McKenzie spoke broadly of their concerns in regard to the Davenport community's morale, stating that there is a lot of unrest and fear in the community because of the uncertainties of employment and service delivery.

[Davenport] community...have seen their husbands, partners, children, nephews and nieces working out there in paid jobs, and then all of a sudden there are no jobs and they are told they could be taken up by the Port Augusta City Council. There is no certainty that any of them would be employed....Certainly there is a lot of unrest in the community because of that.²⁰⁵

The Davenport community can see itself becoming a suburb of Port Augusta, but they are concerned that it will be without their involvement or their ownership of the changes. The community wants to be able to move with the changes in a respectful and dignified manner.²⁰⁶ The community feels demoralised when it does not believe that governments are working together to assist Aboriginal people to get better services.²⁰⁷

However Ms Matthews emphasised that the community is rallying together to ensure the survival of Davenport as a strong, healthy and vibrant community.²⁰⁸

In broader terms, Mr McKenzie highlighted the positive role that the Davenport community plays in Port Augusta such as community members supporting the Port Augusta City Council's dry zone implementation.

Davenport is vital in Port Augusta, not only for Davenport people but for the wider social fabric and things for Port Augusta.²⁰⁹

Outside Agencies

Ms Matthews explained the consequential impacts upon outside agencies of the funding cuts to Davenport Community Council. Two workers who are separately funded by outside agencies use Davenport Council office block and rely upon Davenport Community Council facilities and administration support. If the Davenport Council administration ceases then their programs will be at risk.²¹⁰

Consultation with Government

Mr McKenzie informed the Committee that the Davenport community has not agreed to the changes, nor are they satisfied that they are in the best interests of their community and the wider Port Augusta community.²¹¹

²⁰⁵ Evidence D Matthews, 13 June 2007, Q625

²⁰⁶ Evidence D Matthews, 13 June 2007, QQ630-631

²⁰⁷ Evidence M McKenzie, 13 June 2007, Q648

²⁰⁸ Evidence D Matthews, 13 June 2007, Q625

²⁰⁹ Evidence M McKenzie, 13 June 2007, Q625

²¹⁰ Evidence D Matthews, 13 June 2007, Q627

²¹¹ Evidence M McKenzie, 13 June 2007, QQ615-616

They have built up a working relationship with Port Augusta City Council and are concerned that the changes may jeopardise this.²¹²

The Davenport community want to work in partnership with government, not be excluded from negotiations, and they believe that transitional planning, ensuring consultation with all stakeholders, is needed.²¹³

We do not know the ramifications. We do not know anything. There is no transitional planning. What risk is it for our community? Them days are over where Aboriginal communities will accept things that are 'good for you'. We want to understand what it is really about. We are entitled to that. We should be treated with respect.²¹⁴

Positive Initiatives and Outcomes

Ms Matthews and Mr McKenzie highlighted many positive initiatives and outcomes experienced by the Davenport community including:

- The Davenport Community Council's initiative in offering to have the Lakeview Transitional Accommodation in their community.
- Davenport is proud of its home for the elderly - Wami-Kata - believing it to be one of the best in Australia.
- Davenport Community Council members are on the Dry Zone Steering Committee supporting Port Augusta City Council and continuing discussions on how to improve social services in Port Augusta.
- Beautification funding has enabled Ms Matthews as the Municipal Closure Officer to employ 25 people who have greatly improved the amenity of Davenport community.
- Davenport Congress delivers an educational program which is successfully improving Davenport children's school attendance.

7.13 District Council of Coober Pedy (DCCP)

On 18 June 2007, the Committee heard evidence from Mr Trevor McLeod, Chief Executive Officer of the District Council of Coober Pedy. The majority of Mr McLeod's evidence concerned the impact of Australian Government changes to municipal services funding, with some additional evidence concerning transitional accommodation and the dry zone in Coober Pedy.²¹⁵

²¹² Evidence M McKenzie, 13 June 2007, Q625

²¹³ Evidence M McKenzie, 13 June 2007, Q617, Q627, Evidence D Matthews, 13 June 2007, Q633

²¹⁴ Evidence M McKenzie, 13 June 2007, Q648

²¹⁵ See section 8.2 "Inquiry into the impact of Australian Government changes to municipal services funding upon four Aboriginal Communities in South Australia".

Changes to Municipal Services Funding

Mr McCleod informed the Committee that the District Council has a very productive and robust relationship with the Umoona community and accordingly, they believe that any issues that would impact upon the Umoona community should be discussed in their presence.²¹⁶

In regard to the delivery of municipal services, Mr McLeod explained that the DCCP has negotiated with the Federal Department of Families, Community Services and Indigenous Affairs (FaCSIA) to undertake rubbish collection and road repair for Umoona community at private works rates, as the roads are on private land. However the Council is still unclear as to whether they will be continuing rubbish collection services after 30 June 2007, and they are also unclear as to what other municipal services FaCSIA would like them to deliver.²¹⁷

Mr McLeod further explained that the impact on the DCCP of the withdrawal or transfer of some municipal services from Umoona Community to the District Council cannot be effectively costed until there is some understanding from FaCSIA as to what services they are considering DCCP delivering.

Mr McLeod considers that the Umoona community is functioning efficiently and is able to undertake the municipal services that it is structured to do effectively – if required the DCCP can provide additional assistance. The DCCP preference is that no jobs are lost in the Umoona community and opportunities are found for Aboriginal employment within the District Council.²¹⁸

Mr McLeod expressed his concern that if funding is withdrawn from Umoona Community Council (UCC), Umoona Community Council may cover the funding shortfall at the cost of less maintenance on infrastructure, which will cause the Umoona community valuation to decrease, which will in turn impact upon DCCP rate revenue.²¹⁹

Mr McLeod explained that Umoona community is currently rated as one property as it is not individually owned. It is valued at \$2.3 million and pays rates of \$17,000 for 38 houses plus commercial properties this financial year.²²⁰

Mr McLeod suggested that if an infrastructure audit was undertaken, the most transparent process would be to engage an appropriate valuation organisation and for the Commonwealth to meet the costs.²²¹

²¹⁶ Evidence T McLeod 18 June 2007, Q663

²¹⁷ Evidence T McLeod 18 June 2007, Q663

²¹⁸ Evidence T McLeod 18 June 2007, Q666, Q679

²¹⁹ Evidence T McLeod 18 June 2007, Q682

²²⁰ Evidence T McLeod 18 June 2007, QQ673-675

²²¹ Evidence T McLeod 18 June 2007, Q676

In explaining some recent developments in joint Local Government approaches, Mr McLeod spoke of the five Local Government areas with encapsulated Indigenous Communities that are impacted by the withdrawal of municipal services funding, namely the District Councils of Coober Pedy, Ceduna, Coorong and Yorke Peninsula, and Port Augusta City Council.

Mr McLeod informed the Committee that the five Chief Executive Officers (CEOs) of these Local Government Councils recently met with the Office of State/Local Government Relations to develop a collective approach to the issues.

All five CEOs agreed as a group that negotiations are best tackled collaboratively and that affected communities must have a say as to what will or will not eventuate. Further the CEOs developed some key principles in municipal services funding negotiations, as detailed below:²²²

Key Principles in Municipal Services Funding Negotiations

- a) A common approach to the negotiations which includes all five council areas.
- b) Full documentation of municipal services under discussion, with the Commonwealth to specify a minimum level of services they expect to be provided and councils to specify a costing of these services for their communities.
- c) There needs to be a clear outline of Commonwealth, State and Local Government positions and roles in relation to the delivery of municipal services.
- d) There needs to be sustainable funding arrangements to be resolved for the duration of any agreement that is forthcoming.
- e) The state of infrastructure, identification of municipal services, the ability to rate land, the identification of access issues, land tenure arrangements, employment issues, all need to be resolved as part of any negotiated agreement.
- f) An agreement will need to be reached with the Aboriginal Lands Communities and Councils as part of the negotiation process.

Transitional Accommodation

Mr McLeod raised with the Committee an additional matter that the District Council has been pursuing – transitional accommodation for people travelling through the Coober Pedy area, to lessen the impact on Umoona and Coober Pedy residents.

²²² Evidence T McLeod 18 June 2007, Q664

Mr McLeod suggested that if 24 hour policing was a requirement for such a facility, and was not able to be provided, then perhaps the establishment of a night patrol could be considered.²²³

In support of the need for such a facility, Mr McLeod spoke of the amount of transient movement from, and to, the APY Lands, through Coober Pedy, Port Augusta and Ceduna, and that Council's service providers are over-stretched and under-resourced, particularly during the warmer months when people travel South to seek relief from the hot weather.²²⁴

Dry-Zone

Mr McLeod informed the Committee that the current dry-zone will conclude on 31 July 2007, and Council has made a submission to the Liquor Licensing Commission for a three year dry zone.

Mr McLeod stated that some significant steps forward had been made in the last 12 to 18 months such as the success of the Mobile Assistance Patrol (MAP).²²⁵ Early intervention and identification by MAP and police of people at risk of harm is showing positive results. Presentations at the Coober Pedy Hospital for alcohol-related admissions were generally down by an average of 35 % in the first four months of 2007.²²⁶

7.14 Umoona Community Council (UCC)

On 18 June 2007, the Committee heard evidence from representatives of Umoona Community Council: Ms Mabel Lochowiak, Chairperson; Mr George Cooley Councillor; and Mr Forrest Holder, Chief Executive Officer. Their evidence focussed on the impacts upon Umoona Community Council arising from the Australian Government changes to municipal services funding.²²⁷ Witnesses tabled two documents at the meeting: an Opening Statement and Overview; and their Council's submission to the review of the Community Housing and Infrastructure Program (CHIP).²²⁸

The witnesses described a wide range of impacts upon their council and their community which are summarised under the following headings: Employment; Governance; Service Delivery; Compensating for Changes; and Consultation with Government. Further evidence was given in relation to health and social services, and Umoona Community Council's positive initiatives and outcomes.

²²³ Evidence T McLeod 18 June 2007, Q686

²²⁴ Evidence T McLeod 18 June 2007, Q688

²²⁵ The Mobile Assistance Patrol is operated by Umoona Community Council. See evidence at 7.14.

²²⁶ Evidence T McLeod 18 June 2007, Q691

²²⁷ See section 8.2 "Inquiry into the impact of Australian Government changes to municipal services funding upon four Aboriginal Communities in South Australia".

²²⁸ See Appendix C Documents Received 18 June 2007 (D395, D396).

Employment

Mr Holder stated that Umoona Community Council receives from the Australian Government \$340,000 per year in municipal services funding, of which \$280,000 funds the Council's administration and overheads and management of communities, including wages for the Chief Executive Officer, administration staff, finance and payroll clerk, labourer and senior labourer positions. Funding ceased from 1 January 2007, for these latter two positions and funding will cease from 30 June 2007, for the remaining positions.²²⁹ Umoona Community Council is the largest employer of Aboriginal people in Coober Pedy.

Mr Cooley in describing the different expectations upon workers in Indigenous communities, explained by example that the role of Municipal Services Officer means a lot more than just the job. It involves being an advocate for community members, supporting them in their dealings with, for example, the District Council, and Centrelink, and requiring an understanding of the community's culture and language.

....we are a community of Aboriginal people who are still tribal and traditional... We are illiterate and semi-illiterate...Our culture is not difficult to us, but in the culture that we are trying to get over and marry and join up with, it is very difficult. I am in fear that transferring funding to agencies for the agencies to deliver will mean they are actually ill-prepared. They do not have competent Aboriginal people who speak the language and know the culture.²³⁰

Governance

Mr Holder emphasised to the Committee the risks consequent upon the Council's administration arm being unfunded from 30 June 2007. He stated that Council would be at risk of being unable to provide effective governance, or financial control without a Chief Executive Officer, finance and payroll clerk. Further there may be no mechanism in place for the provision of advice to elected members of Council, nor for Council decisions to be implemented.²³¹

Mr Holder explained that Umoona Community Council (UCC) manages a successful Indigenous Community Housing Organisation (ICHO) which is at risk of transfer to public housing agencies as recommended by the Community Housing Infrastructure Program (CHIP) Review.²³²

Mr Holder stated his concern that UCC would lose significant discretionary rental income from such a transfer, which assists in funding governance (management and administration) and which offsets the loss of municipal services funds.²³³

²²⁹ Evidence F Holder, 18 June 2007, Q694, Q731

²³⁰ Evidence G Cooley, 18 June 2007, Q734

²³¹ Evidence F Holder, 18 June 2007, Q696

²³² Department of Families, Community Services and Indigenous Affairs, 2007, *Living in the Sunburnt Country – Indigenous Housing: Findings of the Review of the Community Housing and Infrastructure Program*, report prepared by PricewaterhouseCoopers, FaCSIA, Canberra. See Recommendation 4.

²³³ Evidence F Holder, 18 June 2007, QQ695-696

Service Delivery

Mr Holder explained that in December 2006, FaCSIA reached agreement with the District Council of Coober Pedy (DCCP) to undertake weekly rubbish collection and limited roads maintenance and repairs to Umoona Community. All other services are unfunded and without an alternative service provider, Umoona Community Council is providing services e.g. school bus run, removal of derelict cars and hazardous waste, fence maintenance, vehicle maintenance, dog control, and shortfall in rubbish collection. Witnesses spoke of the challenge facing community residents in adapting to a change of service.²³⁴

Compensating for Changes

Mr Holder described how Umoona Community Council is compensating for the loss of Australian Government municipal services funding. He explained that the greater proportion of rent earned from housing stock and investment income, instead of going back into housing repairs and maintenance, will fund the management and administration of the community. Further UCC is paying for the Senior Labourer and Labourer positions out of rental and investment income.²³⁵

As a consequence, Mr Holder raised UCC's concerns that their housing stock will be down graded and become uninhabitable in the next four to five years, and that the rateable base for the District Council of Coober Pedy will also decline with the decline of UCC's assets.²³⁶

....Umoona will cease to exist as an organisation because it will not be able to continue without an income stream coming in and about \$20 million worth of publicly funded infrastructure will have gone down the tube....We face a looming disaster.²³⁷

Consultation with Government

Mr Cooley and Mr Holder raised their concerns in regard to the challenges they have faced consulting with the Australian Government. They have experienced: a lack of responsiveness from FaCSIA to their written communication and overtures to enter into constructive dialogue; a reluctance by FaCSIA to meet jointly with Umoona Community Council and the District Council of Coober Pedy; confusion regarding the role of "Solution Brokers"; and unease regarding the process of Shared Responsibility Agreements. In particular, the witnesses were concerned that FaCSIA has not yet provided alternative arrangements for funding the management and administration of the Umoona community, and the provision of municipal services, with only weeks before the implementation of funding changes.²³⁸

²³⁴ Evidence G Cooley, 18 June 2007, Q693, Evidence F Holder, 18 June 2007, Q727, Evidence M Lochowiak, 18 June 2007, Q732

²³⁵ Evidence F Holder, 18 June 2007, Q694

²³⁶ Evidence F Holder, 18 June 2007, Q694

²³⁷ Evidence F Holder, 18 June 2007, Q694

²³⁸ Evidence G Cooley, 18 June 2007, Q693, Evidence F Holder, 18 June 2007, Q701

Umoona Community Council's view is that there is a need for structural change over a five year timeframe, and that a properly structured review [into municipal services funding and delivery] needs to be undertaken with input from all communities.²³⁹

Health and Social Services

Mr Holder and Ms Lochowiak further informed the Committee of the activities that UCC undertake as part of the Coober Pedy Alcohol Strategy including operating a Mobile Assistance Patrol (MAP) and sobering-up centre. They explained that when the sobering-up centre is not operating, hospital admissions increase, and when MAP is not operating, police interventions increase. Accordingly, if UCC ceased to exist, (as a consequence of municipal services funding cuts) there would be an increased demand upon these high cost medical and policing services. Such Council programs provide culturally responsive community intervention with significant community benefit, and significant cost savings to the hospital and policing services.²⁴⁰

Ms Lochowiak also informed the Committee of her role as Vice Chairperson of Umoona Tjutagku Health, and the challenges she is facing in the current climate, dealing with community health and safety issues (such as dialysis machines, domestic violence, safe house) - "... with all this other stuff coming in...we are fighting to keep Umoona still working, its distracted us from a lot of things."²⁴¹

Positive Initiatives and Outcomes

Witnesses informed the Committee of Umoona Community Council's many positive initiatives and outcomes including:

- UCC is achieving stable and sound governance and most, if not all, the Australian Government policy aims for Indigenous Australians.
- UCC owns an award winning commercial asset "Umoona Mines" returning over \$130,000 income pa, which is divided up 80% investment and 20% community benefit for example scholarships, sporting events.
- UCC generates significant income from sound commercial investments and undertakes economic, human and community development with the proceeds.
- UCC manages a highly successful housing program – regarded as one of the best Indigenous Community Housing Organisations (ICHOs) - with a weekly rent collection of \$97.25 per week, which exceeds the State and national average (\$23 and \$38 respectively).
- UCC is the single largest employer of Aboriginal people in Coober Pedy with nine full-time staff (permanent and part-time) and five casuals.

²³⁹ Evidence F Holder, 18 June 2007, Q702

²⁴⁰ Evidence F Holder and M Lochowiak, 18 June 2007, QQ727-730

²⁴¹ Evidence M Lochowiak, 18 June 2007, Q722

- UCC's Youth Program is enhancing school retention rates and contributing to the lowest teenage pregnancy and STD transmission in the State.
- UCC delivers significant savings to the health and policing sector through its efficient and low cost delivery of services under the Coober Pedy Alcohol Strategy.
- UCC provides a quality child care service to the entire community of Coober Pedy.

8 INQUIRIES CONDUCTED

8.1 Response to the Commonwealth Department of Families, Community Services and Indigenous Affairs' discussion paper on access to Aboriginal Lands

The first statutory function of the Aboriginal Lands Parliamentary Standing Committee includes reviewing the operation of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*, and the *Maralinga Tjarutja Land Rights Act 1984*. To that end, on 7 June 2006, the Committee resolved to deepen its understanding of existing arrangements for accessing the lands covered by those Acts.

The Committee promptly advised Anangu Pitjantjatjara Yankunytjatjara and Maralinga Tjarutja of this resolution and of its intention to seek detailed information from them. During August 2006, both Anangu Pitjantjatjara Yankunytjatjara (APY) and Maralinga Tjarutja (MT) provided the Committee with comprehensive information on the operation of their permit systems.

On 12 September 2006, the Commonwealth Government announced its intention to examine the arrangements established under the *Aboriginal Land Rights (Northern Territory) Act 1976*, for accessing Aboriginal lands.

On 4 October 2006, the Commonwealth Department of Families, Community Services and Indigenous Affairs released a discussion paper, "Access to Aboriginal Lands under the Northern Territory Aboriginal Land Rights Act – Time for Change?" The stated purpose of the paper was "to examine options for an improved system of access to Aboriginal land ... that both respects the integrity of Aboriginal land and facilitates the normal interactions necessary for social and economic development."

While the focus of the paper was access to Aboriginal lands in the Northern Territory, it clearly signalled the Federal Government's intention – subsequent to having amended the *Aboriginal Land Rights (Northern Territory) Act 1976*, – to encourage other jurisdictions to "follow the Australian Government's example."

On 7 November 2006, in accordance with Section 6 of the *Aboriginal Lands Parliamentary Standing Committee Act 2003*, the Minister for Aboriginal Affairs and Reconciliation referred the Federal discussion paper to the Committee for its consideration and asked it to consider drawing on what it had learnt and heard in the course of its own investigations to prepare a formal response.

On 22 November 2006, the Committee unanimously adopted a written response to the Federal discussion paper. In this response the Committee concluded that access arrangements established under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*, and the *Maralinga Tjarutja Land Rights Act 1984*, were working well and that comprehensive changes to those arrangements were unwarranted.

The response continued:

The Standing Committee believes that both APY and MT have demonstrated a capacity to establish and manage appropriate permit systems. It does not believe either system should be administered by government.

The Standing Committee is concerned that national debate about the operation of existing access arrangements has tended to rely on hearsay and anecdotal evidence and has highlighted isolated incidents from years past.

The Standing Committee is not aware of any hard evidence to suggest that either the APY or MT permit system are currently being operated in an inconsistent or capricious fashion.

The Standing Committee will continue to monitor the effectiveness of both the APY and MT permit system. This monitoring will focus on current practices and processes and the gathering of detailed information.

The Standing Committee believes that both APY and MT are willing to make minor adjustments to their respective permit systems as necessary.

A copy of the full response is attached to this report as Appendix D.²⁴²

8.2 Inquiry into the impact of Australian Government changes to municipal services funding upon four Aboriginal Communities in South Australia.

The Australian Government's Department of Families, Community Services and Indigenous Affairs (FaCSIA) planned to cease municipal services funding to 31 Aboriginal Community Councils and organisations across the country, from 31 December 2006.

Each of the 31 communities is located within a Local Government area, and five of these communities are located in South Australia namely:

1. Davenport Community Council, within the Local Government Area of the Port Augusta City Council
2. Umoona Community Council, within the Local Government Area of the District Council of Coorber Pedy
3. Raukkan Community Council, within the Local Government Area of the District Council of Coorong

²⁴² Aboriginal Lands Parliamentary Standing Committee "Response to the Commonwealth Department of Families, Community Services and Indigenous Affairs' discussion paper on access to Aboriginal lands" - 22 November 2006. Appendix D.

4. Koonibba Community Council, within the Local Government Area of the District Council of Ceduna
5. Point Pearce, within the Local Government Area of the District Council of Yorke Peninsula.

The proposed funding changes that were to take effect from 31 December 2006, were extended to 30 June 2007, with some funding cuts already experienced by the Davenport, Raukkan and Umoona Communities.

In accordance with Section 6 of the *Aboriginal Lands Parliamentary Standing Act 2003*, the Minister for Aboriginal Affairs and Reconciliation, requested that the Aboriginal Lands Parliamentary Standing Committee inquire into how recent changes to Australian Government municipal services funding have affected the ability of Aboriginal communities to undertake governance functions, and how this affects the provision of other services to the community.

The Aboriginal Lands Parliamentary Standing Committee commenced its inquiry, and over the course of 4 meetings from 28 May to 18 June 2007, heard evidence from 21 witnesses representing Aboriginal Community Councils, Aboriginal Community Development Employment Projects (CDEP) organisations, and Local Government Councils.

The witnesses appearing before the Committee raised many current and emerging issues in regard to:

- employment
- governance
- service delivery
- community viability and morale
- consultation process with the Australian Government.

Their evidence, summarised in the inquiry report, describes in detail the profound affects that the changes to municipal services funding are having, and will have, upon their Councils and Communities.

These funding changes have caused significant employment losses within Community Councils, which have caused great distress and uncertainty in the affected communities. Witnesses have described the changes as occurring suddenly, without adequate consultation, transitional planning, or exit strategies to manage the change process. The changes are not fully understood, nor have they formally been agreed to by Community Councils.

With the loss of employment and the loss of administrative and management support to Community Councils, their functionality and governance capacity has been seriously threatened, to the point where three of the four Councils are struggling to find the resources to govern and lead their communities. This has negatively impacted upon the ability of outside agencies to engage with communities.

The Committee heard that Community Councils have compensated for the funding losses out of their own community reserves, resources and revenue, by paying for redundancies from Council savings, maintaining the office with community volunteers, and using much needed rental income to pay wages.

With the loss of employment and governance capacity, municipal service delivery by Community Councils has been greatly reduced. With only weeks before the changes were to be implemented, all Councils appearing before the Committee (Local Government and Community) stated that they still do not know who will be delivering, what services, when and how.

Witnesses stated the urgent need for timely, consistent and clear communication, culturally respectful and inclusive consultation, and sufficient transitional planning, to address the issues and adjustments needed to positively manage the change process into the future.

From their evidence the witnesses described that their communities feel confused, disrespected and disengaged from the change process, and they fear for their future survival. They acknowledge the need for change, but want it in partnership with all stakeholders.

The Committee has recommended in the report that the Australian Government:

1. defer the implementation of changes to municipal services funding in South Australian Aboriginal Communities due to commence on 1 July 2007
2. commit to quarantine the municipal services funding identified for each Aboriginal Community, prior to any earlier funding changes
3. develop transitional plans for each Aboriginal Community in joint consultation with all stakeholders
4. ensure timely, clear and culturally respectful consultation and agreement with all affected Aboriginal Communities
5. adopt the *Key Principles in Municipal Services Funding Negotiations* as agreed to by the Chief Executive Officers of the five affected Local Government Councils (District Councils of Coober Pedy, Ceduna, Coorong and Yorke Peninsula, and Port Augusta City Council).

The report was forwarded to the Minister for Indigenous Affairs, the Hon Mal Brough MP on 28 June 2007, and tabled in the South Australian Parliament on 25 July 2007.²⁴³

²⁴³ <http://www.parliament.sa.gov.au/> - "Committees/Standing Committees/ ALPSC/Tabled Reports".

The Committee received a written response from the Hon Mal Brough on 20 July 2007, in which he advised that there will be an extension of Australian Government municipal services funding for a further year – til 30 June 2008. He further advised that this funding will be distributed through a combination of State and Local Government authorities, local Indigenous community organisations, and the South Australian Aboriginal Lands Trust.

APPENDIX A: SCHEDULE OF FORMAL MEETINGS

Date	Place	Organisation Appearing
9 August 2006	Maralinga Village	Maralinga Tjarutja and Oak Valley Community
10 August 2006	Oak Valley Community	
28 August 2006	Parliament House	Aboriginal Affairs and Reconciliation Division, Department of Premier and Cabinet
14 September 2006	Parliament House	Office for Aboriginal Housing, High Needs Housing Unit, Department for Families and Communities
27 September 2006	Parliament House	
22 November 2006	Parliament House	
4 December 2006	Parliament House	Aboriginal Lands Trust
5 February 2007	Parliament House	
19 February 2007	Parliament House	Aboriginal Affairs and Reconciliation Division, Department of Premier and Cabinet
26 March 2007	Parliament House	Electricity Trust SA Utilities
30 April 2007	Parliament House	Primary Industries and Resources SA
28 May 2007	Parliament House	Raukkan Community Council
4 June 2007	Parliament House	Koonibba Community Council, Tjutjunaku Worka
13 June 2007	Parliament House	Port Augusta City Council, Davenport Community Council
18 June 2007	Parliament House	District Council Coober Pedy, Umoona Community Council
27 June 2007	Parliament House	

APPENDIX B: SCHEDULE OF WITNESSES

9 August 2006	Mr Andrew Collett, Legal Advisor, Maralinga Tjarutja Mr Chris Guille, Corporate Advisor, Maralinga Piling Trust Mr Bob Ramsay, General Manager, Maralinga Tjarutja Mr Chris Dodd, Operations Manager, Oak Valley Community Mr Clayton Queama, Oak Valley Community
28 August 2006	Ms Joslene Mazel, Executive Director, Aboriginal Affairs and Reconciliation Division, Department of the Premier and Cabinet
14 September 2006	Ms Lana Johnson, Acting Director, Office for Aboriginal Housing, Department for Families and Communities Ms Deborah Butler, Manager Finance and Transitional Accommodation, Office for Aboriginal Housing, Department for Families and Communities Mr Vince Raschella, Manager, Supported Accommodation, High Needs Housing Unit, Department for Families and Communities
4 December 2006	Mr George Tongerie AM, Chairperson, Aboriginal Lands Trust Mr Henry Rankine, Deputy Chairperson, Aboriginal Lands Trust Mr John Chester, General Manager, Aboriginal Lands Trust Mr Kingsley Abdulla, Gerard Community Council Mr Haydn Davey, Port Lincoln Aboriginal Community Council Mr Reg Dodd, Marree Arabunna Peoples Committee Mr Ian Johnson, Nepabunna Community Council Ms Mabel Lochiowiak, Umoona Community Council Mr Phillip Milera, Koonibba Aboriginal Community Council Mr Brett Miller, Tjutjunaku Worka Tjuta Ms Elaine Newchurch, Goreta Aboriginal Corporation Mr Keith Peters, Yalata Community Council Mr Peter Rigney, Raukkan Community Council

19 February 2007	Mr Chris Russell, Director of Policy and Public Affairs, Local Government Association of South Australia Ms Joslene Mazel, Executive Director, Aboriginal Affairs and Reconciliation Division, Department of the Premier and Cabinet
26 March 2007	Mr Lew Owens, Chief Executive Officer, Electricity Trust South Australia Utilities
30 April 2007	Dr Paul Heithersay, Executive Director, Mineral and Energy Resources, Department of Primary Industries and Resources South Australia
28 May 2007	Mr Fran Lovegrove, General Manager, Raukkan Community Development Employment Projects Mr Gerry Zuidam, Bookkeeper, Raukkan Community Development Employment Projects Mr Andrew Sumner, Chairperson, Raukkan Community Council Mr Robert Blade, Councillor, Raukkan Community Council Mr Terry Bruun, Municipal Services Officer, Raukkan Community Council Mr Derek Walker, Manager, Natural Resource Management, Raukkan Community
4 June 2007	Mr Michael Carmody, Director Intent MC Pty Ltd Mr John Thomas, Coordinator, Koonibba Community Council Mr Adrian Miller, Councillor, Koonibba Community Council Ms Sharon Yendall, Chief Executive Officer, Tjutjunaku Worka Tjuta Inc Mr Brett Miller, Manager, Tjutjunaku Worka Tjuta Inc Mr Mitch Dunnett, Municipal Services Officer, Tjutjunaku Worka Tjuta Inc
13 June 2007	Mayor Joy Balluch, Port Augusta City Council Mr John Stephens, City Manager, Port Augusta City Council Ms Dawn Matthews, Municipal Closure Officer, Davenport Community Council Mr Syd Waye, Chairperson, Davenport Community Council Mr Malcolm McKenzie, Councillor, Davenport Community Council

18 June 2007

Mr Trevor McLeod, Chief Executive Officer, Coober Pedy
District Council

Ms Mabel Lochowiak, Chairperson, Umoona Community
Council

Mr George Cooley, Councillor, Umoona Community Council

Mr Forrest Holder, Chief Executive Officer, Umoona
Community Council

APPENDIX C: DOCUMENTS RECEIVED

Formally Received²⁴⁴	Title / Description	From
28 August 2006	Head of the Bight Tourist Precinct, “Expressions of Interest Information Memorandum” MLCS Corporate, (June 2006) and associated documentation	Mr John Chester, General Manager, Aboriginal Lands Trust
28 August 2006	Copy of report submitted to the Department of Health by Mr Ralph Earle, Principal, Oak Valley Aboriginal School on the school’s child nutrition-hygiene program	Ms Sally Castell McGregor, Department of Health
28 August 2006	Letter and attachment re housing for government employees at Oak Valley and Yalata	Ms Judith Carr, Executive Director, Building Management, Department for Administrative and Information Services
28 August 2006	“Yalata News.” Community newsletters dated April 2006 and July 2006	Mr Taiira Rivers, Community Development Manager, Yalata Community Inc.
28 August 2006	Letter and attachment re community housing at Yalata, Koonibba and Oak Valley and the operation of the Ceduna Town Camp	Ms Sue Vardon, Chief Executive Officer, Department for Families and Communities
28 August 2006	Copy of the Constitution of Koonibba Aboriginal Community Council Inc.	Ms Sue Jones, Community Coordinator, Koonibba Aboriginal Community Council Inc.

²⁴⁴ Dates listed in this column refer to the day on which a document was formally received at a meeting of the Committee (as opposed to the day on which it was provided to the Committee).

Formally Received	Title / Description	From
28 August 2006	“Rules of Oak Valley (Maralinga) Community Incorporated”	Mr Andrew Collett, Legal Advisor, Maralinga Tjarutja
28 August 2006	Email and attached document, “Application for Extension of Dry Areas Legislation: Ceduna & Thevenard Townships,” District Council of Ceduna, (February 2006)	Mr Tony Irvine, Chief Executive Officer, District Council of Ceduna
28 August 2006	Letter and attachments: <ul style="list-style-type: none"> - Briefing paper in relation to Koonibba, Yalata and Section 400 (Maralinga Tjarutja Lands) - “Power Generation Study,” Department for Aboriginal Affairs and Reconciliation, July 2005 - “Yalata Community Infrastructure Plan: DAIS,” 17 August 2005 - “Agreement between the Australian Government and the South Australian Government for the provision of Indigenous Housing and Community Infrastructure. October 2005-June 2008” - “Yalata News” July 2006 	Ms Joslene Mazel, Executive Director, Aboriginal Affairs and Reconciliation Division, Department of the Premier and Cabinet
28 August 2006	Annual Report 2004/2005 for the Aboriginal Lands Trust	Mr John Chester, General Manager, Aboriginal Lands Trust
28 August 2006	Letter and briefing paper re policing in Ceduna and west coast communities	Commissioner Malcolm A Hyde, Commissioner of Police, South Australian Police
28 August 2006	Letter and attachments re the operation of the permit system established under the <i>Maralinga Tjarutja Land Rights Act 1984</i>	Ms Kali Moschos, Maralinga Tjarutja
28 August 2006	“Embracing the Challenge: Opportunities for change – finding ways of doing Aboriginal Health business better,” Eyre Regional Health Service, dated 10 November 2005	Ms Kerry Colbung, Regional Indigenous Service Development Officer, Country Health SA

Formally Received	Title / Description	From
28 August 2006	Documents re Head of Bight whale watching facility	Ms Jane Lowe, Development Manager, Eyre Regional Development Board
28 August 2006	“Presentation to Indigenous Coordination Centre (ICC) 18 July 2006” and other documents	Ms Julia Lansley, Principal Solicitor, Ceduna Aboriginal Family Violence Prevention Legal Service
28 August 2006	Extract from the report prepared by Ochre Consultants Pty Ltd, dated September 2003, for the development of the “Maralinga Village Land Management and Heritage Resource Centre”	Mr Bob Ramsay, General Manager, Maralinga Tjarutja
28 August 2006	Constitution of Maralinga Tjarutja Constitution of Maralinga Tjarutja Council Administrative Instruction of Maralinga Tjarutja Council Rules of Oak Valley (Maralinga) Community Inc.	Mr Andrew Collett, Legal Advisor, Maralinga Tjarutja
28 August 2006	Letter providing information on the operation of the permit system established under the <i>Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981</i>	Mr Ken Newman, General Manager, Anangu Pitjantjatjara Yankunytjatjara
28 August 2006	Minute re “Safe housing – Ceduna,” dated 14 July 2006 Extract, “Tender Documents: Community Housing Program, 5 Unit Development, Project Number CHP05910, 8 Kuhlmann Street, Ceduna”	Indigenous Coordination Centre, Ceduna
28 August 2006	Waiting list for community housing, Yalata Community Inc.	Ms Marie McColm, Manager, Ceduna Indigenous Coordination Centre

Formally Received	Title / Description	From
28 August 2006	“Expansion of Family Violence Prevention Legal Services Program Report”, Crime Research Centre, University of Western Australia (December 2004)	Federal Attorney-General’s Department
28 August 2006	Email and attachment re “Nganampa Manta (Our Land)” festival	Mr Colin Koch, General Manager, Anangu Arts and Culture Aboriginal Corporation
28 August 2006	Copy of six letters addressed to the State Manager, Housing SA, written in support of Ceduna Indigenous Coordination Centre efforts to secure Safe Housing and a Family Well Being Centre in Ceduna and for the Kulhmann Street units to be utilised for this purpose	Ms Marie McColm, Manager, Ceduna Indigenous Coordination Centre
14 September 2006	Email and attachment re operation of the permit system under the <i>Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981</i>	Ms Ruth Morley, Principal Legal Officer, Anangu Pitjantjatjara Yankunytjatjara
14 September 2006	Copy of the “Maralinga Village Redevelopment: Land Management & Heritage Resource Centre”, feasibility study conducted by Ochre Consultants Pty Ltd, September 2003	Mr Chris Guille, Corporate Adviser, Maralinga Piling Trust
14 September 2006	Corrections/additions to a summary of a discussion that took place at Yalata Aboriginal School on 9 August 2006	Ms Cheryl Bawden, Principal, Yalata Aboriginal School
14 September 2006	Letter explaining her inability to appear before the Committee and advising that questions can be tendered to the Federal Minister for Indigenous Affairs	Ms Vicki Toovey, State Manager (SA), Department of Families, Community Services and Indigenous Affairs
14 September 2006	Membership lists for Oak Valley Community Council and Maralinga Tjarutja	Mr Bob Ramsay, General Manager, Maralinga Tjarutja

Formally Received	Title / Description	From
14 September 2006	Letter re Ceduna Safety House	Ms Joslene Mazel, Executive Director, Aboriginal Affairs and Reconciliation Division (DPC)
27 September 2006	“Discussion Notes for the Aboriginal Lands Parliamentary Standing Committee”	Ms Lana Johnson, Acting-Director, Office for Aboriginal Housing (DFC)
27 September 2006	Letter and attachments: <ul style="list-style-type: none"> - “Agreement for the Provision and Management of Housing for Aboriginal and Torres Strait Islander People in South Australia” (2003). - “Community Housing Policy”, Aboriginal Housing Authority (October 2001). - “Community Housing and Infrastructure Program Policy for 2002-2005”, ATSIC. - Summary of public housing allocations in Ceduna (Aboriginal Housing Authority & SA Housing Trust), 2004/05 and 2005/06. - Summary of vacant Housing SA properties in Ceduna vis-à-vis their suitability to be used as safe housing 	Ms Lana Johnson, Acting-Director, Office for Aboriginal Housing (DFC)
27 September 2006	Letter re Yalata bus service	Ms Sue Vardon, Chief Executive, Department for Families and Communities
27 September 2006	Letter re delivery of TAFE programs at Yalata	Mr Brian Cunningham, Chief Executive, Department of Further Education, Employment, Science and Technology
27 September 2006	Letter re Ceduna safe housing	Hon Jay Weatherill MP, Minister for Aboriginal Affairs and Reconciliation

Formally Received	Title / Description	From
22 November 2006	Letter and associated materials provided in response to matters taken on notice on 28 August 2006	Ms Joslene Mazel, Executive Director, Aboriginal Affairs and Reconciliation Division (DPC)
22 November 2006	Letter declining invitation to appear before the Committee and offering to provide a written response to particular matters	Ms Adrienne Gillam, State Manager (SA), Office of Indigenous Policy Coordination (FACSIA)
22 November 2006	Letter concerning the level of departmental support extended to the Koonibba Aboriginal School	Ms Jan Andrews, A/Chief Executive, Department of Education and Children's Services
22 November 2006	Letter and attachments concerning (i) the Ceduna Town Camp, (ii) Pathway Housing in Kuhlmann Street (Ceduna) and Sturt Street (Adelaide), (iii) capital works funding, and (iv) community housing at Yalata	Ms Lana Johnson, A/Director, Office of Aboriginal Housing (DFC)
22 November 2006	Copy of the 2005 report "Feasibility of a Low Level Security Correctional Facility for Traditional Aboriginal offenders - APY Lands"	Mr Peter Severin, Chief Executive, Department for Correctional Services
22 November 2006	Copies of letters sent to (i) Mr Barry Wakelin MP, (ii) the Federal Department of Family and Community Services and (iii) the District Council of Coober Pedy concerning the provision of municipal services funding	Ms Mabel Lochowiak, Chairperson, Umoona Community Council
22 November 2006	Letter concerning the provision of safe housing in Ceduna for Aboriginal women and children	Hon Mal Brough MP, Federal Minister for Indigenous Affairs

Formally Received	Title / Description	From
22 November 2006	Email and attachment (“Population by Age and Gender”)	Mr John Wilson, Health Services Manager, Nganampa Health Council
22 November 2006	Letter and subsequent email concerning the delivery of educational services and programs to students from the APY Lands	Department of Education and Children’s Services
22 November 2006	Letter providing data on the number of persons on the State Electoral Roll who were resident on the APY Lands at the time of the 2006 State election	State Electoral Office
22 November 2006	Briefing paper provided in advance of the Committee’s visit to the APY Lands in October 2006	South Australia Police
22 November 2006	Letter and attachment providing information requested in advance of the Committee’s visit to the APY Lands in October 2006	Ms Joslene Mazel, Executive Director, Aboriginal Affairs and Reconciliation Division (DPC)
22 November 2006	Letter and four attachments providing information requested in advance of the Committee’s visit to the APY Lands in October 2006	Ms Sue Vardon, Chief Executive, Department for Families and Communities
22 November 2006	Email providing current data on Aboriginal community housing on the APY Lands.	Ms Lana Johnson, A/Director, Office of Aboriginal Housing (DFC)
22 November 2006	Courtesy copy of a Memo sent to Members of the Aboriginal Lands Trust Board of Management, concerning its meeting and luncheon with the Standing Committee	Mr John Chester, General Manager, Aboriginal Lands Trust
22 November 2006	Letter concerning Centrelink payments to the APY Lands	Federal Department of Human Services

Formally Received	Title / Description	From
22 November 2006	Email and attachment (“Memorandum of Understanding Transitional Accommodation Facility Coober Pedy”)	Mr Trevor McLeod, Chief Executive Officer, District Council of Coober Pedy
22 November 2006	Email and attachment (“Course delivery at Yalata Training and Further Education Campus 2005/06”)	Mr Patrick Cotton, Manager Aboriginal Education (Eyre Region), Training and Further Education SA
22 November 2006	Minute and enclosure formally referring to the Standing Committee for its consideration and response a discussion paper released by the Federal Department of Families, Community Services and Indigenous Affairs	Hon Jay Weatherill MP, Minister for Aboriginal Affairs and Reconciliation
22 November 2006	Letter summarising information presented to a delegation from the Standing Committee on 30 October 2006	Mr Forrest Holder, A/Chief Executive Officer, Umoona Community Council Inc.
22 November 2006	Letter and enclosure (“AnTEP News Term 3 2006”)	Mr Bruce Underwood, Adelaide Coordinator, Anangu Tertiary Education Program, University of South Australia
22 November 2006	Email concerning efforts to secure opportunities and benefits for Aboriginal communities in negotiated deals with mining companies	Mr Forrest Holder, A/Chief Executive Officer, Umoona Community Council Inc.

Formally Received	Title / Description	From
22 November 2006	Letter concerning the Yalata to Ceduna bus service	Ms Sue Vardon, Chief Executive, Department for Families and Communities
5 February 2007	“Aboriginal Lands Trust Directions Report,” document tabled at meeting held on 4 December 2006	Aboriginal Lands Trust
5 February 2007	Print out of PowerPoint presentation celebrating the 40 th anniversary of the Aboriginal Lands Trust, shown and tabled 4 December 2006	Aboriginal Lands Trust
5 February 2007	Copy of the latest edition of “Yalata News” (August – November 2006)	Yalata Community Inc
5 February 2007	Letter re provision of essential services	Mr Murray George, Chairman, Kaltjiti Community
5 February 2007	Email re municipal services funding	Mr Forrest Holder, Chief Executive Officer, Umoona Community
5 February 2007	Letter confirming receipt of the Committee’s response to the Federal discussion paper on access arrangements for Aboriginal lands	Mr Greg Roche, Office of Indigenous Policy Coordination (FACSIA)
5 February 2007	Courtesy copy of letter to Hon Jay Weatherill MP, Minister for Aboriginal Affairs and Reconciliation, concerning change of use of Kuhlmann Street units	Mr Allan Suter, Mayor, District Council of Ceduna
5 February 2007	Minute re Safe House Ceduna	Hon Jay Weatherill MP, Minister for Housing
5 February 2007	Copy of joint media release: “Over \$1 million to fund Ceduna Indigenous Family Violence Strategy”	Hon Jay Weatherill MP, Minister for Aboriginal Affairs and Reconciliation

Formally Received	Title / Description	From
5 February 2007	Letter re Improving Indigenous Birthing Outcomes Project	Dr Tony Sherbon, Chief Executive, Department of Health
5 February 2007	Letter re APY Lands Strategic Plan	Ms Joslene Mazel, Executive Director, Aboriginal Affairs and Reconciliation Division (DPC)
5 February 2007	Minutes re 'Request to refer matters in relation to Aboriginal governance and employment programs'	Hon Jay Weatherill MP, Minister for Aboriginal Affairs and Reconciliation
5 February 2007	Letter re Commonwealth programs on the APY Lands	Mr Russell Paterson, Senior Advisor to the Federal Minister for Indigenous Affairs
19 February 2007	Email and attachment reporting on a bush barbeque held at Yalata on 14 February 2007	Ms Susie Surtees, Yalata community
19 February 2007	Copy of minutes of consultation meeting held at Pukatja community on 14 February 2007	Mr Gary Lewis, Chairperson, Pukatja Community Council Inc.

Formally Received	Title / Description	From
26 March 2007	<p>Documents tabled during appearance before the Committee on 19 February 2007:</p> <ul style="list-style-type: none"> - Copy of letter from Hon Jay Weatherill, Minister for Aboriginal Affairs and Reconciliation to Cr John Rich, President, Local Government Association (SA), dated 25 January 2007. - "Local Councils Belong To Aboriginal People Too", Norton Consulting Services (February 1994). - "Local Councils Belong To Aboriginal People 2", Jane Gould and associates (June 2000). - "Examples of Working Together in South Australia, SA Government and LGA" (November 2000). - A Local Government/Aboriginal Service Agreement: Case Study and Guide – The Coorong District Council and the Raukkan Community Council Alliance: 'The Story of our Journey,' SA Government and LGA (October 2005). - The Narunga Local Government Indigenous Land Use Agreement (ILUA) – Yorke Peninsula, DVD, (2005). - "Involving Aboriginal and Torres Strait Islander People in Local Government Elections," LGA et al (2006 edition). - "Agreeing on Native Title: Indigenous Land Use Agreements – A Local Government Template," LGA et al (June 2006). - Eight information sheets "prepared to assist discussions during the Local Government/Aboriginal Service Agreement Project" (March 2006 versions) 	Mr Chris Russell, Director, Policy and Public Affairs, Local Government Association of SA
26 March 2007	Letter providing data on the provision of Nunga Home Loans within Port Augusta	Mr Gary Storkey, Chief Executive Officer, HomeStart Finance
26 March 2007	Letter concerning the support and management of staff in remote Aboriginal communities	Mr Robert Knapp, Indigenous Land and Housing, Federal Department of Families, Community Services and Indigenous Affairs

Formally Received	Title / Description	From
26 March 2007	<p>Documents provided to the Committee:</p> <ul style="list-style-type: none"> - Copy of email sent to the Premier, Hon Mike Rann, concerning the discontinuation of the Community Development Employment Projects (CDEP) Program, dated 14 January 2007. - Copy of letter from John Stephens, City Manager, Port Augusta City Council, concerning the proposed abolition of Port Augusta CDEP Program, dated 5 December 2006. - Submission on 'Indigenous Potential meets Economic Opportunity' discussion paper. Centre for Aboriginal Economic Policy Research, Australian National University, dated 13 December 2006. - Email to DEWR (Nicky Govan) re timeline for introduction of E-STEP program, dated 14 December 2006 	Mr David Pearce, Chief Executive Officer, Bungala Aboriginal Corporation
26 March 2007	Letter and attachment concerning the possible regionalisation of some service delivery on the APY Lands	Kaltjiti (Fregon) community
26 March 2007	Letter summarising issues raised during consultations on the possible regionalisation of some service delivery on the APY Lands	Nyapari and Kanpi communities (Murputja Homelands)
26 March 2007	Letter and attachment providing information on Aboriginal and general housing rental programs in Port Augusta	Ms Helen Fulcher, General Manager, Housing SA
26 March 2007	Letter and attachments concerning Davenport community housing and the Lakeview Transitional Accommodation Centre	Ms Olive Bennell, Director, Office for Aboriginal Housing (DFC)
26 March 2007	Copy of paper entitled "Family 'Anangu Bibi' Birthing Project"	Mr Greg Bailey, Early Childhood Intervention Program Manager, Country Health SA (Port Augusta)
26 March 2007	Copy of "AnTEP" News (Term 4, 2006 edition)	Mr Bruce Underwood, Anangu Tertiary Education Program, University of South Australia

Formally Received	Title / Description	From
26 March 2007	Copy of project brief, "Local Government Services and Encapsulated Indigenous Communities in South Australia"	Mr Chris Russell, Local Government Association of South Australia
26 March 2007	Copy of "Municipal Service Closure Officer's Monthly Report" (February 2007), presented to the Committee during its visit to Davenport Community on 28 February 2007	Ms Dawn Matthews, Municipal Service Closure Officer, Davenport Community
26 March 2007	"Tjinatjunanyi" student list for Term 1, 2007. Presented to the Committee during its visit to the old Umeewarra children's home (Davenport) on 28 February 2007	Staff, Tjinatjunanyi Program
26 March 2007	Documents presented to the Committee during its visit to the Lakeview Transitional Accommodation Centre on 28 February 2007: <ul style="list-style-type: none"> - "Accommodation Centre By-Laws" - "Lakeview Transitional Accommodation Centre Sign-In Sheet" - "Transitional Accommodation Centres" brochure 	Ms Katrina Thompson, Manager, Lakeview Transitional Accommodation Centre
26 March 2007	Copy of generic letter addressed to Community Development Employment Projects (CDEP) participants and signed by Mr Bob Harvey, Group Manager, Indigenous Employment and Business Group, Department of Employment and Workplace Relations (dated 19 February 2007), presented to the Committee during its visit to Bungala CDEP on 28 February 2007	Mr David Pearce, Chief Executive Officer, Bungala CDEP
26 March 2007	Copy of a letter sent to Hon Barry Wakelin MP by Umoona Community Council on 1 March 2007 concerning municipal services funding	Mr Forrest Holder, Acting Chief Executive Officer, Umoona Community Council Inc.

Formally Received	Title / Description	From
26 March 2007	Copy of a letter, dated 3 March 2007, sent to Mr Allan Suter, Mayor, District Council of Ceduna, by Hon Jay Weatherill, Minister for Aboriginal Affairs and Reconciliation concerning safe housing	Hon Jay Weatherill, MP Minister for Aboriginal Affairs and Reconciliation
26 March 2007	Letter and attachments providing replies to questions taken on notice and responses to additional requests	Ms Joslene Mazel, Executive Director, Aboriginal Affairs and Reconciliation Division (DPC)
26 March 2007	Letter and attachments providing requested statistical information on Port Augusta and Davenport community	Hon Michael Atkinson MP, Attorney-General
30 April 2007	Letter and attachments providing information on recent and proposed changes to the Community Development Employment Projects program	Ms Nicky Govan, State Manager, Department of Employment and Workplace Relations
30 April 2007	Information and materials concerning the conduct of by-elections on the APY Lands	State Electoral Office
30 April 2007	Letter (and copy of PowerPoint presentation) re Indigenous birthing program	Ms Trish Wales, Anangu Bibi Birthing Program
30 April 2007	Letter advising the Committee of the appointment of Ms Sarah Alpers to the position of Executive/Research Officer	Mrs Jan Davis Clerk of the Legislative Council
30 April 2007	Letter concerning the provision of safe housing in Ceduna	Ms Julia Lansley, Principal Solicitor, Ceduna Aboriginal Family Violence Prevention Legal Service
30 April 2007	Letter and attachments from the Aboriginal Lands Trust providing requested and additional information	Mr John Chester, General Manager, Aboriginal Lands Trust

Formally Received	Title / Description	From
30 April 2007	Letter advising of resignation of Hon JMA Lensink and appointment of Hon TJ Stephens to the ALPSC	Mrs Jan Davis, Clerk of the Legislative Council
30 April 2007	“Presentation to Aboriginal Lands Parliamentary Standing Committee, 26 March 2007,” document tabled before the Committee	Mr Lewis Owens, Chief Executive Officer, Electricity Trust SA Utilities
30 April 2007	Letter from UnitingCare Wesley Adelaide advising the Committee of the establishment of an Indigenous policy position	Rev Peter McDonald, Minister of Uniting Care Wesley Adelaide
28 May 2007	Letter from Aboriginal Legal Rights Movement (ALRM) requesting on behalf of Far West Coast (FWC) Native Title Management Committee and Yalata Community, to give evidence before Committee	Mr Tom Jenkin, Senior Project Officer, Native Title Unit ALRM
28 May 2007	Email received from Umoona Community Council (UCC) with attachment: ‘UCC response to Community Housing and Infrastructure Program (CHIP) Review - final version’	Mr Forest Holder, Chief Executive Officer, UCC
28 May 2007	Letter and attachments received from Office for Aboriginal Housing re updated responses to previous questions and Ceduna accommodation pathways framework	Ms Olive Bennell, Office for Aboriginal Housing
28 May 2007	Letters re Safe House in Ceduna	Hon Jay Weatherill MP, Minister for Housing
28 May 2007	Draft Bill Commission of Inquiry (Children in State Care) (Children on APY) Lands Amendment Bill 2007	Hon Jay Weatherill MP, Minister for Aboriginal Affairs and Reconciliation
28 May 2007	Letter to and response from Minister Brough re extension of time frame for municipal services funding	Dr Duncan McFetridge MP

Formally Received	Title / Description	From
4 June 2007	Information re Tjutjunaku Worka Tjuta (TWT) Inc	Ms Sharon Yendall, Chief Executive Officer TWT
13 June 2007	Letter from Primary Industries and Resources SA (PIRSA) responding to outstanding questions and question on notice	Dr Paul Heithersay, Chief Executive Officer, PIRSA
13 June 2007	Letter from Department of Education and Children's Services (DECS) re Tjinatjunanyi Program	Mr Chris Robinson, Chief Executive Officer, DECS
13 June 2007	Email received from Bungala Community Development Employment Programs (CDEP) re current and proposed operations	Mr David Pearce, Chief Executive Officer, Bungala
13 June 2007	Letter from Parents of Petrol Sniffers Association re request for funding to attend a conference	Ms Rosalie Nethercott and Mr Darryl Ryder
13 June 2007	Letter from Mother of Petrol Sniffer re request for funding to establish a parents support group	Ms Rosalie Nethercott
18 June 2007	Submission from Umoona Community Council Inc. responding to the Review of the Community Housing and Infrastructure Program (CHIP)	Mr Forrest Holder, Chief Executive Officer, Umoona Community Council
18 June 2007	Opening Statement and Overview from Umoona Community Council Inc.	Ms Mabel Lochowiak, Chair and Mr George Cooley, Councillor, Umoona Community Council
18 June 2007	Notes to Matters Arising from Minister for Aboriginal Affairs and Reconciliation re APY Town Plans and Tjungungku Kuranyukutu Palyantjaku (TKP) Action Plan	Hon Jay Weatherill, MP Minister for Aboriginal Affairs and Reconciliation

APPENDIX D:

**RESPONSE TO THE COMMONWEALTH DEPARTMENT OF
FAMILIES, COMMUNITY SERVICES AND INDIGENOUS
AFFAIRS' DISCUSSION PAPER ON ACCESS TO ABORIGINAL
LANDS.**



Parliament of
South Australia

Aboriginal Lands Parliamentary Standing Committee

Response to the Commonwealth Department of Families, Community
Services
and Indigenous Affairs' discussion paper on access to Aboriginal lands.

22 November 2006

BACKGROUND

1. On 12 September 2006, the Australian Government announced its intention to examine the arrangements established under the *Aboriginal Land Rights (Northern Territory) Act 1976* for accessing Aboriginal lands.
2. On 4 October 2006, the Federal Department of Families, Community Services and Indigenous Affairs released a discussion paper, "Access to Aboriginal Lands under the Northern Territory Aboriginal Land Rights Act – Time for Change?"
3. The stated purpose of the discussion paper is "to examine options for an improved system of access to Aboriginal land ... that both respects the integrity of Aboriginal land and facilitates the normal interactions necessary for social and economic development."
4. While the focus of the discussion paper is access to Aboriginal lands in the Northern Territory, it also signals the Federal government's intention – subsequent to having amended the *Aboriginal Land Rights (Northern Territory) Act 1976* – to encourage other jurisdictions to "follow the Australian Government's example."
5. It is within this context that the Aboriginal Lands Parliamentary Standing Committee provides this response.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

6. Established in 2003, the Aboriginal Lands Parliamentary Standing Committee is chaired by the Minister for Aboriginal Affairs and Reconciliation. Its six other Members are drawn equally from the House of Assembly and the Legislative Council and, at this time, from three political parties.
7. The Committee aims to build stronger, more direct and more enduring relationships between Aboriginal communities and the South Australian Parliament. As a matter of priority, it consults with Aboriginal people in their home communities and engages with their elected representatives and leaders.
8. The Committee's first statutory function includes reviewing the operation of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* and the *Maralinga Tjarutja Land Rights Act 1984*. Both of these Acts contain provisions for managing access to Aboriginal lands in South Australia.

9. Over the past two-and-a-half years, the Standing Committee has visited all of the main communities located on the Anangu Pitjantjatjara Yankunytjatjara Lands and Maralinga Tjarutja Lands. The visits have provided the Standing Committee with an opportunity to observe first-hand the operations of the Acts and to discuss the effectiveness of their provisions with traditional owners.
10. The Standing Committee has met with the Anangu Pitjantjatjara Yankunytjatjara Executive Board on five occasions, twice to take formal evidence.
11. The Standing Committee has met with representatives of Maralinga Tjarutja on four occasions. On three of those occasions formal evidence was received.
12. In June 2006, four months prior to the release of the Federal Government's discussion paper, the Committee resolved to deepen its understanding of the current arrangements for accessing Aboriginal lands in South Australia.
13. The Committee promptly advised Anangu Pitjantjatjara Yankunytjatjara and Maralinga Tjarutja of this resolution and of its intention to seek detailed information on the operations of their respective permit systems.

ANANGU PITJANTJATJARA YANKUNYTJATAJRA

14. The Anangu Pitjantjatjara Yankunytjatjara Lands (APY Lands) are home to approximately 2500 Aboriginal people. Most live in eight larger communities with populations ranging from about 80 to more than 400. A substantial number of people continue to live on smaller homelands.
15. The *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* (APY Act) vests the inalienable freehold title to 102,630km² of land in the people known as Anangu Pitjantjatjara Yankunytjatjara.
16. The APY Act became operational on 2 October 1981. It has since been amended four times (1987, 2004, 2005 and 2006).
17. The APY Act establishes Anangu Pitjantjatjara Yankunytjatjara (APY) as a body corporate of which all Anangu are members. The Act defines "Anangu" as someone who is both a member of the Pitjantjatjara, Yankunytjatjara or Ngaanyatjarra peoples and a traditional owner of the lands or a part of the lands.
18. Part 3, Division 2 of the APY Act sets out the conditions under which any person (and certain classes of person) may enter the APY Lands.

19. The APY Act grants all Anangu unrestricted access to their lands. In the main, it is an offence for persons other than Anangu to enter the lands without the permission of APY.
20. Under Section 19(8) of the APY Act, certain persons and classes of person do not have to seek permission prior to entering the Lands, (though some are required to give APY reasonable notice of the time, place and purpose of their proposed entry). This includes:
 - police officers on official duties,
 - people with the written authority of the Minister, and
 - Members of Parliament of the State and Commonwealth.
21. In case of emergency, the APY Lands may be entered without a permit.
22. An application to enter the lands must be made in writing and lodged with the APY Executive Board. The APY Act requires applicants to set out:
 - why they want to enter the lands,
 - where and when they intend to enter the lands, and
 - the length of time they plan to remain on the lands.
23. The APY Act allows APY, after considering an application, to:
 - grant permission to enter the lands unconditionally, or
 - grant permission subject to such conditions as it thinks fit, or
 - refuse permission.
24. In 2004/05, APY processed 2022 permit applications. In 2005/2006, it processed 1858 applications.
25. APY separates permits into three types:
 - (i) general/visitor
 - (ii) contractor/employee
 - (iii) media.
26. The general/visitor permits issued by APY are for a specified period or periods of time. In 2005/06, APY processed 1113 applications for general/visitor permits.
27. APY issues contractor/employee permits for a maximum 12-month period, with an option for the permit to be renewed. Since 2005, APY has required all non-Anangu persons working on the APY Lands to provide a police clearance certificate when applying for their permit. In 2005/06, APY processed 730 applications for contractor/employee permits.
28. APY processes applications for media permits with the assistance of Pitjantjatjara Yankunytjatjara Media (PY Media). PY Media has been providing this assistance since 2002. In 2004/05, APY processed 11 applications for media permits. In 2005/06, 15 were processed.

29. In 2006, APY reviewed its permit application forms and processes. Subsequent modifications have reduced the average time that it takes for a general/visitor permit to be processed. In August 2006, APY advised the Standing Committee that this type of permit is "now processed and issued after seven (7) days unless a community does not approve the application."
30. APY is in the process of modifying how it records data about permit applications. In future, it will be able to calculate the number of applications that it has refused. APY's own anecdotal evidence suggests that only three permit applications were refused for 2005/06.
31. In 2006, the Parliament of South Australia passed the "Anangu Pitjantjatjara Yankunytjatjara Land Rights (Regulated Substances) Amendment Bill 2006." The Bill boosted police powers and significantly increased the penalties for persons caught selling or supplying a regulated substance on the APY Lands.
32. A proposed amendment to the Bill sought to remove the requirement, under certain conditions, for representatives of the news media to obtain a permit prior to entering "those parts of the [APY] lands that constitute roads or other access routes through the lands."
33. In response to the proposed amendment, APY wrote to all Members of the Legislative Council. APY also forwarded a copy of its letter to the Aboriginal Lands Parliamentary Standing Committee. The letter contains a useful and current statement on APY's view on existing access arrangements:

As we work on improving opportunities for Anangu as individuals and as communities on the APY lands, more people are coming onto the lands. In our view, the permit system should not operate to keep our people isolated from opportunity or communication. Rather the permit system ensures that we, as freehold land owners are able to exercise discretion regarding entry onto the lands and prevent abuse of our people who are vulnerable. Additionally, it protects sacred sites as we can impose conditions to prevent inadvertent or deliberate desecration of significant Aboriginal heritage sites, objects, and remains – which is an offence under the *Aboriginal Heritage Act 1988* (SA). ... We do not see how the proposed limitation of access to 'roads or other access routes' could overcome the Aboriginal Heritage Act since the terms are undefined in the proposed amendment and there are myriad track [sic] that could be loosely described as access routes and justify unwanted access.

For example Mintabie sits on our doorstep and is a significant source of marijuana, grog and petrol. We use the permit system to keep those people out and confined to Mintabie. Additionally, opal miners from Mintabie regularly move outside the designated opal field onto APY lands to look for opal. If we did not have the permit system, traffickers and opal miners would have unhindered access to the APY lands.

The Federal Minister for Indigenous Affairs, Mal Brough has said publicly that the violence Aboriginal people experience caused by substance misuse must be stopped. The permit system is important to keep undesirable people, grog, petrol and marijuana traffickers out.

The permit system in fact functions very well.

MARALINGA TJARUTJA

34. The Maralinga Tjarutja Lands (MT Lands) are home to approximately 100 Aboriginal people, all of whom live in the small community of Oak Valley.
35. The *Maralinga Tjarutja Lands Rights Act 1984* (MT Act) vests the inalienable freehold title to 102,662km² of land in the people who are acknowledged as its traditional owners.
36. The MT Act became operational on 6 December 1984. It has twice been amended (1991 and 2004).
37. The MT Act establishes Maralinga Tjarutja (MT) as a body corporate of which all traditional owners are members. The MT Act defines "traditional owner" as someone who in relation to the MT Lands "has, in accordance with Aboriginal tradition, social, economic and spiritual affiliations with, and responsibilities for, the lands or any part of them."
38. Like the APY Act, the MT Act contains similar provisions for managing access to the lands. Part 3, Division 3 of the MT Act sets out the conditions under which any person (and certain classes of person) may enter, traverse or reside on the MT Lands.
39. The MT Act grants traditional owners of the MT lands with unrestricted access to them. It is an offence for most other persons to enter the lands without the permission of MT.

40. Under Section 18 of the MT Act, certain persons and classes of person do not have to seek permission prior to entering the MT Lands (though some are required to provide reasonable notice of the time, place and purpose of their proposed entry). This includes:
- police officers on official duties,
 - people with the written authority of the Minister of Aboriginal Affairs,
 - Members of Parliament of the State and Commonwealth, and
 - an Aboriginal person who enters the land at the invitation of a traditional owner.
41. In case of emergency, the MT Lands may be entered without a permit.
42. An application to enter the MT Lands must be made in writing and lodged with the MT Council. The MT Act requires applicants to set out:
- why they want to enter the lands,
 - where and when they intend to enter the lands, and
 - the length of time they plan to remain on the lands.
43. The MT Act allows MT, after considering an application, to:
- grant permission to enter the lands unconditionally, or
 - grant permission subject to such conditions as it thinks fit, or
 - refuse permission.
44. In 2004/05, MT processed a total of 224 permit applications. In 2005/2006, it processed a total of 177 applications. In both years, all applicants were granted a permit.
45. Of the 224 permit applications processed by MT in 2004/05, two were from news media outlets. Of the 177 applications processed in 2005/06, one was from a news media outlet. In both years, all news media applicants were granted a permit.
46. Under Section 20 of the MT Act, a person (other than a traditional owner) is allowed to use certain roads to traverse the MT Lands. The roads are identified in Schedule 2 of the MT Act. While a permit is not required to traverse those roads, the MT Act does require that anyone traversing those roads give MT "reasonable prior notice" as to when and where they will enter the lands and when and where they leave them.
47. In 2004/05, MT received a total of 299 notifications of intent to traverse a scheduled road. In 2005/2006, MT received a total of 316 notifications.
48. On 8 August 2006, the Standing Committee visited the MT administration office in Ceduna. The visit included an extended meeting with MT's permit officer. The officer provided the Standing Committee with a comprehensive explanation of the procedures MT follows when processing requests to access the MT Lands and notifications of a person's intention to traverse a scheduled road.

49. On 9 August 2006, the Standing Committee took formal evidence from representatives of Maralinga Tjarutja. It heard how the existing permit system seeks to protect the welfare of visitors to the MT Lands:

You need to bear in mind that this community is an area of the size of 100 000 square kilometres—a tenth of the state's land mass. There's only one small community on it. It is harsh, relentless and unforgiving land. One of the most important things about a permit ... is that it enables Maralinga Tjarutja to say to a member of the press or other public servants, 'Yes. That's fine. Come on. But let's do it when we can take you. We'd rather take you in our own vehicles rather than you run the risk in a conventional vehicle because it gets hot and dangerous on this land.' ... It is much safer, and it's not a matter of controlling the press. They're not controlled. ...

[Another] reason is that by definition there are ceremonial activities on the land. ... When [particular ceremonies] happen, everybody has to get off the road who is not part of it. Men and women. And you might be stranded off the road; you can't move. It can be dangerous if you've got a group of people who are in the middle of a ceremony and they're moving. The tradition is that nobody gets in their way. If people don't have permits, they can't be warned about that and appropriate arrangements can't be made.

50. In evidence, MT also stated that it has a “very positive relationship” with the news media and emphasised that it was not averse to scrutiny. That noted, MT indicated that it did not support moves to provide news media with unrestricted access to its lands.

REVIEWING THE OPERATION OF ACCESS PROVISIONS

51. In South Australia, the main provisions for accessing Aboriginal lands are contained in the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* and the *Maralinga Tjarutja Land Rights Act 1984*. The Aboriginal Lands Parliamentary Standing Committee's first statutory function includes reviewing the operation of those Acts.
52. Over the past two-and-a-half years, the Standing Committee has visited all of the main communities located on the APY Lands and MT Lands. On no occasion has an Aboriginal council, community, organisation or individual called for substantial changes to be made to the access arrangements established under the APY Act or MT Act.
53. In 2005, the South Australian Government conducted a comprehensive review of the APY Act. The main purpose of the review was to improve governance on the APY Lands.

54. Given its statutory responsibilities, the Aboriginal Lands Parliamentary Standing Committee closely monitored the review process. This included taking extensive evidence from the APY Executive Board, government agencies and other interested parties.
55. At the conclusion of the review process, a Bill to amend the APY Act was introduced into Parliament. On the basis that the traditional owners of the APY Lands had been adequately consulted and had formally indicated their support for the proposed changes, the Bill found overwhelming support in both Houses of Parliament.
56. At the same time, Parliament recognised the importance of monitoring the ongoing effectiveness of the 2005 amendments. Accordingly, it determined that an independent review of the operation of the amendments must be completed prior to the third anniversary of their commencement and that APY, the APY Executive Board and the Aboriginal Lands Parliamentary Standing Committee must each have an opportunity to make a submission to that review.
57. The 2008 independent review of the 2005 amendments will provide the Standing Committee and other parties with an opportunity to reflect again on the efficacy of the APY permit system. Should the review conclude that further legislative changes are required, it will be incumbent on the State government to ensure that the traditional owners of the APY Lands are adequately consulted and formally signal their support for the proposed changes.
58. Similarly, should legislative changes to the MT Act be required at some future point, it will be incumbent on the government-of-the-day to ensure that the traditional owners of the MT Lands are adequately consulted and formally signal their support for the proposed changes.

CONCLUDING REMARKS

59. The Aboriginal Lands Parliamentary Standing Committee believes that current access arrangements established under the APY and MT Acts work well and that comprehensive changes are not warranted at this time.
60. The Standing Committee believes that both APY and MT have demonstrated a capacity to establish and manage appropriate permit systems. It does not believe either system should be administered by government.
61. The Standing Committee is concerned that national debate about the operation of existing access arrangements has tended to rely on hearsay and anecdotal evidence and has highlighted isolated incidents from years past.

62. The Standing Committee is not aware of any hard evidence to suggest that either the APY or MT permit system are currently being operated in an inconsistent or capricious fashion.
63. The Standing Committee will continue to monitor the effectiveness of both the APY and MT permit system. This monitoring will focus on current practices and processes and the gathering of detailed information.
64. The Standing Committee believes that both APY and MT are willing to make minor adjustments to their respective permit systems as necessary.