

Forum discussion with Noel Pearson and others

Day 1

Marcia Langton

Spent three weeks as a scholar with the NAB Jewish Community scholarship and I had a look at the special schools that were set up for refugees who'd arrived in Israel and I was very inspired by those special schools, the youth colleges - fabulous institutions.

Now, what I'm doing now is summarising the welfare reform program. So, the purpose of this exercise as I understand it from Noel, is to just make clear what the welfare reform program involves because I think Noel's or Cape York Institute's Welfare Reform report, this is the full report here, you all have summaries in your conference bags, was launched Thursday week ago, in Canberra. There was I think at that time, I took to be muted support from the government and muted bi-partisan support from the Opposition and Independent parties and then a week later, we see that the response to the Rex Wyld QC and Pat Anderson report in the Northern Territory has taken over the front pages, and then the response by the Prime Minister to that report seems to be a mixture of this report and a common sense response to the Wyld/Anderson report.

So I'm sure that people are a little bit confused about what's going on down there in Canberra. Is John Howard responding to this report or is he responding to the Wyld/Anderson report? Well, who can tell? So let's just here be sure about what the welfare report says.

So there are core principles, and I'll just go through them. It's very obvious that John Howard's taken this up and sees this as a response to the problems that are pandemic in Aboriginal Australia. So, (1) all welfare should be conditional. Further government investment in capability building is needed and incentives need to be fundamentally changed to encourage people to engage in a real economy.

So they're the three principles of moving people out of welfare dependency and into the real economy. So, the key reform concepts are welfare reform is a transition from dependency to economic development. Economic viability in remote communities is predicated on mobility

and viability is fundamentally a question of choice for remote communities. So you can read all of this in your summary.

But then we come to the actual nuts and bolts of welfare reform. So there'll be obligations attached to welfare payments. Now, those of us in my generation will remember the Truancy Officer. And if I didn't go to school the Truancy Officer would come knocking on the door and there were very heavy penalties if children were not going to school and poor and working class families, Aboriginal families outside of the Aboriginal Reserves system of Queensland, I was actually in what was called a native camp for much of my childhood, we were very much policed by the Truancy Officers. So, back in those days, before the, you know, the '68 revolution there were conditions on welfare payments. There were conditions across society. Now there aren't any conditions on welfare payments, except for the dole of course.

So here are some of the conditions that the Cape York Institute is proposing. Each adult who receives welfare payments in respect of a child should be required to ensure that the child maintains a 100% school attendance record. The obligation is breached when the child records 3 unexplained absences per school year. Now look, the data is shown all over the country and education research that the key factor of improving educational outcomes is school attendance. School attendance. Regular, every day 8 to 4 school attendance is the secret. So that's, you know, these recommendations are evidence-based.

All adults must not cause – grammar – no adult should cause or allow children to be neglected or abused. The obligation is breached by the parents or legal guardians of a child who are the subject of an investigation by the Department of Child Safety. Additionally any other adults named in an investigation pr report can also be found to have breached their obligation. So putting a child at risk of abuse or neglect is a breach, would constitute a breach under this model.

All adults must not commit... No adult should commit drug, alcohol or gambling or family violence offences. The obligation is breached when an individual is convicted by a court of relevant community by-lay or State law.

And all adults must abide by conditions relating to their tenancy in public housing, and then it details what constitutes a breach.

And then there's the proposal for the Family Responsibilities Commission, and it would consist of, say, a magistrate and two Elders, something like that, to monitor compliance and this commission would be empowered to make determinations as to whether a breach of the obligations has occurred. So the commission then, in a community could issue a warning to an individual, direct individuals to attend support services on either a voluntary or compulsory basis and determine that all or part of the welfare payments to which an individual is entitled should be redirected to conditional income management which would result in an individual losing discretion over the expenditure. And for instance the money would go to a more responsible member of the family to ensure that the children are not disadvantaged by these arrangements.

So that's the nuts and bolts of it. And then of course there's another several hundred pages of discussion and recommendations. Myself, I'm particularly interested in the work readiness, labour market recommendations, I think they're very good. I think parts of this report could be picked up over in the Pilbara for instance where there's the biggest mining boom in modern history taking place. Existing mines are going to be doubled soon and the local Aboriginal people just aren't getting on the bandwagon with the jobs. A truck driver in the Pilbara is earning \$90,000 a year at the moment. There are more than 70,000 jobs going in the mining industry that cannot be filled. They are employing fly in/fly out labour from the Philippines. And we have unemployed Aboriginal people. How difficult is it to drive a Haulpak? Sure it's a 12 hour shift, but you know, we shouldn't have any unemployed Aboriginal people with the Pilbara mining boom happening. That's the plain fact of the matter, isn't it? If I were younger, I'd be out there driving a Haulpak.

So here's the arrangement. Noel's going to join us and Gregory, Mayor of Hope Vale, and Mr Alan Creek, yes? And Donna Henning... no, she's not here. Too shy is she? Too shy. Donna... has she gone? Ok.

???

I'm just asking if you want to add anything to my very brief summary?

No.

So I guess the question on everybody's lips really is Noel, what's the difference between the recommendations in this report, the Cape York Institute report, and the government proposals for the Northern Territory?

Noel Pearson

Well we haven't seen the details of the government's Northern Territory plans, but one of the areas where... our proposal does require the creation of a commission, at the community level and that commission is a body to which decision making power is delegated by the Commonwealth. And this commission has a role of making decisions in relation to welfare payments. And making decisions whenever there is an amber light flashing in relation to a problem. Intervening early to assist cases where there is a breakdown of responsibility and there's a warning light flashing. So that people can be directed into support services, if there are support services. And our model does require some basic support services to be available. We already have a number of what we think are pretty cut to the chase and very important support services developed.

But also this commission would have the responsibility of making the hard decisions when called upon to do so. As I understand it the Commonwealth's proposal is for across the board blanket quarantining of money. We've always been concerned that the whole idea here is to only intervene where there is a breakdown of responsibility. We should only intervene when people are not exercising their normal responsibilities, because if they are being responsible they should be left to their own freedom. We only intervene where people have breached their obligations, and that is, we want to build norms. We want to send a very clear message that everybody's expected to fulfil basic responsibilities and if you do so, you continue on in your freedom, but when you don't we're not going to allow a situation to continue where you continue to fail in your responsibilities, but you still get the money.

This is not about withdrawing the money from the family and for the benefit of the children. Rather we want the commission to have the power to re-direct it to someone who is responsible and usually that might be an aunt or grandmother or another family member who might be actually feeding them, caring for the kids. But we don't want to do that if it means that they're going to be harassed. So we need local information and we need people who understand the local families. And in cases where we believe people might be vulnerable to the being humbugged, then we put it under what we called Conditional Income Management

and our Family Income Management system will have a Conditional Income Management system. So that money is allocated according to a budget and spent for the benefit of the family.

So that's the basic difference between our proposal and what the Federal government has announced. Ours is about trying to make sure that there is norm building taking place and that very clear messages are sent out that if you are responsible then you should retain sovereignty over your income support. If you're not responsible then there's going to be intervention.

Marcia Langton

Ok, so just to summarise then, the Prime Minister's proposal in the Northern Territory is that across the board 50% of all social security payments would be quarantined and distributed in a voucher form. So like the American food coupon form. And there would be no individual variation. This would be across the board, this would happen to every Aboriginal person in the Northern Territory, presumably living in a community. I don't see how they're going to pull this off in the Northern suburbs of Darwin. So in Aboriginal communities in the Northern Territory 50% of all social security entitlements would go into a voucher form to be spent at a food outlet like Coles in Katherine, or the local store, or a supermarket in Alice Springs. But here you're proposing a case by case basis before a commission which would be sitting in the community.

Alright, now here's the question that's on everyone's lips who's involved in this business, has ever been involved in a child abuse case and it's so frequent that I bet you there's nobody in this room who can honestly say they've never been involved in some way or another in a child abuse case.

Alright. How do you propose that, and I'd like each of you to answer this question please, how is this going to work? How are individual cases of child neglect or abuse going to come to the attention of this Family Commission?

Noel Pearson

Well, the first thing is that in relation to abuse we have a Child Safety system which will intervene. So the State operates a Child Protection system that will deal with abuse cases. But our Family Responsibilities Commission is a supplement to the existing Child Safety

system. So if there's got to be Police investigation and so on, that is carried out by the State authorities and the Child Safety department. Our Family Responsibilities Commission is about assisting children to return to the community, particularly children who have been placed in foster care and in protection orders and so on. So part of the process of returning kids to the community does involve making sure that households and home life is functional. That they're not returning to a dysfunctional situation.

So we want to make sure that we have tools available to us to restore functioning household/home lives, but we've got to distinguish between abuse and neglect. And in cases of child abuse our commission doesn't play any cross-cutting role. It's up to the Child Safety authorities to make sure that the full operation of the Child Safety system and the law deals with cases of abuse.

In relation to neglect, the Child Safety system intervenes not just in relation to abuse, of course. Most of the cases are about neglect of children. In the case of neglect we hope that the system that we're proposing is one that obviates any need for intervention because we want to intervene before kids get taken away. Because if kids are not eating, that's usually a question of money and that's usually a question of how the parents are spending their money. That's usually a question of whether they have a fridge. That's usually a question of whether the parents are spending all their money on gambling or something else. So we want to intervene through the commission to hold adults to their responsibilities. And if we intervene early and we support families to get their act together to budget their money and to start to understand that they can't just blow all the money on drugs, drinking or gambling, we're putting off the terrible day when kids have got to be taken off into protection.

Marcia Langton

But you still haven't answered my question, so I'm going to ask Greg and Allan. Who is going to bring ... one of the aspects of Australian culture is pretty much universal, is people don't dob, right? Don't dob your mates, and then you know, people in Aboriginal communities are even worse. The newspapers have been carrying on about the cultural silence surrounding child neglect and abuse. Who's going to bring to the attention of the commission the fact that a child is neglected? That the children in the community are neglected. Who's going to do that?

Alan Creek

At Coen we got a group set up called the Justice Group and there's Elders work on that. I'm one of the members of the Justice Group. The members of the Justice Group in Coen would be the one that makes sure the kids are not neglected or have been shifted away from the parents and that sort of thing. But to do that, the child welfare has to know, to intervene in what's going on for that child. It has to go through the system, I suppose, the white man's system. Indigenous people, well, we should have our own ways of handling these sorts of things because in the olden days when I was a kid and times I grew up in, these sort of things didn't happen because the responsibility were there of your parents. They were the ones who.. well, your mother brought you into this world, your father was the one that has to work to look after you, to make sure that no harm comes to their children.

So in that line, I hope to see that sort of thing come back in the community again, you know. It's a hard battle but I suppose that's why they use this child abuse to come in and take our kids away from communities and don't send them back until they're ready. You know there's always families, friends, especially in communities who could look after those kids.

Marcia Langton

Thank you. Greg did you want to talk about how this might work?

Greg McLean

I think neglect in communities is very easy to pick up. It's not easy something that is... it's not really hidden. I can't be hidden. We have a number of people that can see this every day. And in seeing where the children are staying, who's looking after them, what house they are leaving to go to school, and it's usually aunty, uncle, grandma's place. And in order for us to deal with it from there it shouldn't be as hard as it was for the child welfare system to pick up on.

I know a community that in the last month got 26 children taken off them and taken into custody. And that wasn't very hard to detect. And it's up to the individuals within our community to deal with this, to make sure it doesn't happen and make sure a department does not come in and take the children away and give them to... well if it's going to be other members of the family then that's good. But not for them to leave the communities either. So detection within the community, it shouldn't be that hard to detect neglect. But as Noel said, for abuse that should be left with the law of this country.

Marcia Langton

Ok, so is Donna ready to come up here yet? It would be nice to have some women up here. Tania, come on then.

Ok, so there's a very clear distinction then between what the family networks and the justice groups would be able to take a case to the Family Responsibility Commission in the community. Get the Family Responsibility Commission to get the government departments involved to prevent children from being removed by putting in place your measures to attempt reform of the situation before it gets to the stage where the child is removed. Is my interpretation correct?

Gary

Yeh ??? Yeh, this may not be an answer, but the way it happens, and happened in the past is our State departments that deal with this kind of matter takes ages to deal with it. And when they do act on the matter we don't know how far down the track it's been since something has happened. That could have been avoided at the stage of the report. So if we, and I will say this against the State because I know that the State has neglected their duties and I'm hoping that with the new system put in place we're not going to have as much of a bureaucratic system to go through to make things with. With the way it's being set up I think we've got the chance of working with our people, helping them to understand what's happening and we're not going to have a waiting stage to get somebody out of that bog they're in.

Marcia Langton

Look I'll just read out this one figure on page 19 of the report. Children on Protection Orders. Indigenous children in Queensland are almost 5 times as likely to be subject to a protective order than non-Indigenous children. And I thought somewhere in the report there was an actual hard figure for removals of children, but anyway it's, you know, it's accelerating. Removal of children of communities is being called the second lost generation. Sorry Noel.

Noel Pearson

There's something like 80 cases, notifications per month to child safety. 30 of which are substantiated under their assessment system. Now the other 50, obviously the other 50 have raised an amber light and they are cases where I think our commission concept should

immediately intervene in those cases where an amber light has flashed to make sure that those cases where there hasn't been a substantiation that the commission as a response through these welfare levers to make sure that the adults are fulfilling their obligations.

But can I say there are two things that trouble me about cases of abuse. There's two cases. One is where a child is obviously being abused and the parents don't know who the abuser is because they've been drunk. So when the Police arrive the parents can't assist the Police in their investigation and the whole matter is dropped for want of evidence. The child's got gonorrhoea there is absolutely no getting around the fact that he or she has been abused. And yet the parent can Scott-free say, well I actually don't know because we were drunk, we were passed out. The law doesn't hold the parent to account.

The welfare proposals we have hold the parent to account to the extent that we say that all parents must not cause, or allow children to be neglected or abused. So allowing a state of affairs to occur in the household or in the life of the child where they are being exposed to abuse. We want to somehow hold the parent to account.

The second case that I'm troubled by and we don't have a lawful response to it and I've bleated on about it on occasion in the past, is the case where the child has obviously been abused, the family members know who the abusers are, and particularly the parents know, but they give no assistance to the Police. They give no assistance to the Police even though they know who did it.

And that parent goes off Scott-free too. We have no way of holding the parent to account. Not just for perhaps allowing circumstances where the child has been unfortunately abused, that might have been the case, but worse than that to withhold evidence from the Police and to chuck the veil of secrecy around the thing. There's no recourse under the law to hold the parent to account for that. And in those cases where the parent hasn't been the abusers and so on, the kid continues to go and live under the care of the parent.

Marcia Langton

And continues to be abused.

Noel Pearson

So our welfare reform proposals are seeing what we can do with the welfare system to hold adults to account, but there's a limit to what we can do in this case. I mean, we floated the idea some years ago of parents ought to be subject to some kind of charges themselves if they don't cooperate with an investigation. But this is an area of child protection law that I just don't think has been seriously focussed on. But you know when people say that the Police came and they talked to people and they were never able to get enough evidence together, and I think we all know that there is people who do know and they're not stepping up.

Marcia Langton

Now, there are two questions here and then we'll come back to Tania. So you sir, and then Lynette.

Man

[Can't hear]

Marcia Langton

Excuse me, look this is pretty important stuff. Would you mind speaking into the microphone? I can give you a microphone. Start again.

Dr John Boulton (Kimberley Paediatrician)

I'm talking about the Kimberley. The population is 36,000 of whom approximately half Indigenous and we have an Indigenous birth rate of around 500 children a year, so there's 2,500 children under the age of 5. These beautiful babies all grow completely normally up until the age of 6 or 7 months and at that stage all human beings need more food than can be provided by breast milk. Everybody knows this. And so we have the ongoing tragedy of very, very few babies from 7-8 months growing completely normally until they're 4 and there are major long term health implications for this.

Now the first question is about the identification of neglect and we've heard the people from Coen and other communities saying people will know. The problem is when every little kid of 2 and 3 is actually small, you have to measure children carefully to know whether they are actually not growing properly. And the aunts and grandparents can't tell because unless you

see them on a growth chart, you actually can't tell. So this actually becomes a medical or at least a nursing issue and that's actually quite problematic.

The second thing that really troubles me, at what level of intervention is acceptable. We have a situation in Derby Hospital which is the Indigenous capital of the Kimberley where we have mothers sitting in front of day time TV feeding their children. Putting enough food into their little kiddies' mouths to make them grow properly. Many children we have to put a tube down their tummy to give them enough milk so they actually can sit up to eat, they come in with low potassium, low sodium. And we have this bizarre situation of day time TV, American cooking shows with these cuisine goddesses and people from Balgo and Mullen sitting there feeding their children. It's this bizarre circumstance. And there am I, a middle-aged white doctor discussing with nurses how much to give these kids to eat. We are in a crazy 1950s situation which shouldn't have those kids in hospital at all.

So I'm really wracked by proxy guilt about this. Am I replicating what happened in the 1930s and '40s where patronising white doctors did things to Aboriginal people. What level of intervention is acceptable. Mark ??? the other day who I know from Newcastle, said well if the children aren't growing, you've got to feed them. And that's the sort of bleeding obvious in a way, but it has terrible medical, ethical implications for us at the sharp end of practice.

Marcia Langton

Well I'd really like to ask some of the older Aboriginal people, maybe Allan you'd like to answer this question but my recollection is that all the ethics went out the window back in the 1940s. And people don't know how to feed their children now precisely because they were incarcerated. It was like 3 or 4 generations of people who have not learnt to parent children because they were incarcerated in Reserves. That's the situation, or they were slaves on cattle stations. So, you know, you've inherited the dilemma. I reckon feed the kids. Or you could let them starve, why don't you just let them starve? Allan.

Allan Creek

Well I'm not a doctor and I don't go measuring kids or haven't seen anyone measuring how far they can grow, but I've seen healthy Indigenous kids that have been on cattle stations. In little communities like Coen, Coen is a little town, but there's 80% Indigenous people there. All our kids are fairly healthy, you know, they get fed. But if you go back to the '50s, I can't

go back to the '30s and '40s because I wasn't around then, but from the '50s to the '60s and all that, since I started to realise and see the difference between children's health and all that, I think it's the way that the family, the friends and relations, how they take care of their children.

See, adopting a child is something that Indigenous people, well, white fellas think they're adopted but Indigenous... In our mob years ago a child been sort of like given to the aunty or if the grandmother loves that child takes it, if the mother has to work somewhere along the way, well child goes to the grandmother or the aunty so it can stay around and get a bit of education. Not much education in those days, but they did get a bit of that and I can't say I've seen any kids of ours died of starvation out there.

Marcia Langton

Well, actually they do. You just don't notice that they do. That might not happen in Coen but they do actually die of starvation because they can't keep food down, they can't keep any nutrients in their body because they've got diarrhoea or something like that. They're evacuated to a hospital if it's severe diarrhoea and they die. They're actually dying from malnutrition. That's what they're dying from. But the problem in the Kimberley is way, way worse than it is in Cape York and in the Central Desert I think it looks like Darfur actually, doesn't it? I mean it's pretty bad.

So the sort of escalating rates of child evacuation to hospitals has everything to do with this failure to care for children.

Noel Pearson

But you come back to what is malnutrition about? It's about money, it's about food. What is food about? Food is about money. Do blackfellas in Australia not get any money? No, we all get money, everybody gets money in Australia. So what is this about then? It is about what we are spending our money on. You know, I heard a malnutrition report on radio, Menzies School of Health blah, blah, blah, malnutrition rates. And I think to myself, we're in Australia, everybody gets money, malnutrition must be about food and money to buy the food. So we've got to ask ourselves, you know, what is happening to the money? And that's why we have a conviction that getting people to manage their money for the purpose for which it is given has got to be starting point number one. Starting point number one. Then

you can buy the fridge. Then you can buy the plates and the fork and the spoon and the blanket. And you know, forget the 60 person gambling school with 10 grand on the blanket. That's got to stop.

And our welfare reform rules here attaches obligations is about confronting that so that we redirect the money towards the food and so on. So, that will result, if you get on top of the feeding the kids stuff, then presumably 80% of our lost children are not going to be lost any more. Because they'll have been fed and so on.

So all of our intervention is about putting off the removal of children into the child protection system and we've got to assist adults, many of whom have got strong addictions, grog, drugs, but then even the responsible ones, the mothers and so on that have got gambling addictions. The pokies are ripping people's wages out week to week in two hours. You know, we're spending tens of thousands of dollars in my community on the horses and the pokies. Tens of thousands of dollars. And so that's why we want to attach obligations in the way we're suggesting so that we support people because addicts are making a decision here, pokies or food, pokies or food? And we're saying, no, it's got to be for the food.

Lynette Booth, Woorabinda Justice Group

My name's Lynette Booth. I'm from Woorabinda. And I'm the coordinator from the Woorabinda Community Justice Group. We face these issues every day, like Joshua here from Woorabinda too 2 o'clock in the morning, 3 o'clock in the mornings. We've written letters from the Justice Group about neglecting their children to the parents. For a while it went good and quiet but we've had a lot of problems in Woorabinda you've probably seen it all on the news. We've talked to Child Safety and they talk about Recognised Entities are the ones that deal with Indigenous children who are neglected. They support Recognised Entities. That's the old word for supporting the ACCAS, you know the Aboriginal Child Care Agency. They called them Recognised Entities now. So if you've got a Recognised Entity in your area you might be able to utilise them for the reports of neglected children. Maybe through your Recognised Entities, or form one on your communities. We're talking about trying to do that at Woorabinda. We want people to come to the Justice Group.

So people's attitudes are we don't have to go to the Justice Group and talk about our kids. And so they just go their merry way. So what we say is under the by-laws, we write a letter to the priest give a list of names, charge these parents under the by-laws for neglect of children.

Oh we don't know what you mean by neglect, we have to check our legal system out to see if we're doing the right thing. Who's going to determine what neglect is? So we have all these obstacles in our way about dealing with our kids.

And we talk about reuniting children to families. We've had that happen where they've come in and taken children away and a lot of it with good reason because we've had concerns about those children too. But they've returned children to families and they don't follow up and they've returned children to a worse situation than they were in when they were in foster care. They've gone back to a mother who bashes them and stuff like that and they're still there and neglect the kids. So I don't know we seem to be chasing our tail.

The Department of Child Safety needs to cooperate more with Justice Groups and listen to advice from the Justice Groups. They listen to advice but then they choose. We don't have a mandate to do this, that or the other. Our statutory role is to manage and monitor the Alcohol Management Plan. So that's how we've been set up. We were set up before that, but that's the responsibility that ... So I know what you're talking about and I'm just thinking of a way of how you're going to... you know, notifications. So people in the communities they know which kids are being neglected and they talk about it. So you have to take your cue from that. That's all I can say.

Marcia Langton

Thank you. Now Tania address yourself to this problem please of discretion over the money and taking the money away from irresponsible people and finding a responsible person like a grandmother. But aren't the poor old grandmothers already burdened up with all of the kids anyway, because the kids have all gone drinking and gambling and it's their pension money that's feeding a huge number of kids. Is this idea going to work or is it just going to burden up the grannies with more, more granny abuse.

Tania Major

Well from my observation growing up in Kowanyama I don't think it's fair that we place more burden on older women. Because these are the older women who've grown up in a society, and a structure where social norms were intact and they were children and they were challenged for their behaviour, the inappropriate behaviour. They were the ones who, people around them really formed who they are today. And we don't have enough of them around

now to challenge the younger generations' behaviour. And I don't think that placing my generation's burden on them after they've had their children, they've done a good job and plus they're already got 20 to 30 kids they're looking after anyway, it's difficult question to answer. Some grandmother's, I know my mum's sister, just takes in so many kids. And she's got diabetes, she a Justice Group member, and I say to her, when are you going to stop? And she can't say no, but yet she's got all these escalating health problems, but she's taking more children in which is contributing to these health problems. Am I answering your question?

And in speaking of nutrition I've just had something eager to say, and I obviously had no problems with nutrition, having a 6'2" frame and growing up in a remote community. From the mid '80s to the early '90s I've really seen this behaviour pattern within my classmates. I've seen these kids in my community and I wondered why they just had these big bursts of anger and they would just walk over and punch you out, literally punch you. And now they are the parents of our communities and their children are the ones who are having deeper problems like foetal alcohol syndrome, they are the children the ones who are having the nutritional problems of having the runny ears, having really the whole symptoms of foetal alcohol spectrum disorder and it's gotten worse. It's come to a point from 15, out of those 15 kids in my class I'd say 6 or 7 had minor behaviour problems which I would consider ADD/ADHD today, scientific research, to the whole degree of the whole brain incapacitation of brain structure with the effects of alcohol. So not just 6 kids, but 15 kids out of 20 in classrooms in our community today. And plus our grandmothers have got to deal with this whole new behaviour that they didn't deal with and that is so hard to confront, it's so hard to challenge.

And I look around and I think getting back to child neglect, who are going to confront these behaviours in our community with our commission when our children are so screwed up as it is now and it's going to have to come from our Elders. It's sad, but it is our Elders who are the ones who are going to be, you know still be on the back burn like my mother who is called, you know, oh they call her Judge Bradley or what's that woman on TV, that white woman in America? Judy, that's it. Because she's on the Justice Group and she's actually confronting people and challenging people's behaviour. And I don't think my mother's going to be around for that long. I bless her ??? but from the pressure, she's gone out, she's developed 6 great kids including me and now she's done her time, but she's trying to, you get my flow? She's there challenging people's behaviour and it's not going to happen with my generation. It's going to happen but it's going to be another 10 years as John Lennon's song

said. But for now with the welfare reform agenda it's got to take people like Noel or Uncle Allan, Greg and myself to take it on as our personal responsibility because it is our community. And it is our right to confront people and bring these issues aboard. We've got to take it on. We've got to forget this whole big silence in this country and within our own family and the whole... yeh, we're going to cop shit. But it's about the next generation of Aboriginal people. And I think for me every day at the Institute giving hope and understanding and welfare reform agenda has just really made a lot of sense in the context of individual behaviour, of placing onus on individual responsibility. If it means taking money away, so it means taking money away and directing it in the right avenues to that children have hope. So that children can actually get out there and take part of the country that Australia has to offer, but they have the right to do that.

Man

Can I ask a question?

Marcia Langton

Yeh.

Man

Why did you drop compulsory health checks?

Marcia Langton

No particular reason Ed said, no particular reason.

[can't hear]

Noel Pearson

Just on the Kimberley Doctor's question and so on, and we did have, we were floating the idea about adding the condition of attendance of health checks as a welfare payment obligation as well, and I think we decided, I think our thinking was that if we can re-establish some basic norms around some issues then there should be a knock on effect in relation to a whole lot of other responsibilities. I'm still questioning why we wouldn't require some kind of compulsory health attendance.

Aboriginal Woman

We do. We do. We do. There some doctors in the room. Do we require compulsory health checks for children to make this work? I can see lots of nodding. That's a row of health workers is it? A row of health workers nodding, yep.

[can't hear]

Yes. Yes.

Aboriginal Woman

The people who look after their babies will turn up and the most deprived people won't turn up. And have you noticed that all the objections to the report are coming from the well to do Aboriginal people who do look after their kids. And all the people who don't look after their kids well you never hear from them do you?

Man

Can I just say that with this process that we have taken, I just hope that our communities don't get too big, to the stage where in four years time that we've set a goal to making things happen. And I'm glad that we have started at this stage and I hope that in four years' time we have set a goal to making things happen, that we achieve at least half of it, we're not going to achieve the whole lot, but at least we are working on it and we can see, have some outcomes.

The other thing is I think all Aboriginal people across Australia, I think we've got to start jumping on some 45-seater buses, you know, and travelling to each community just to see how things are there. You know some things that aren't happening over here that are happening in other places, that differences. Because some of our people in our communities are narrow minded, some of them just don't want to see progress and are always in the way of progress. They would rather see us slide down the hill rather than take small steps uphill. So you know we're dealing with some people within our communities that are just hell bent on stopping anything that starts. They won't even give it a shot but that's the small minority and you all know about them. We've all got them. But in working and starting on it now, I think that's a plus for us.

Coen Man

I just want to say about ?? can't hear, problem hopefully ??can't hear what really worries me now about young mothers, very young mothers. Kids are having kids now because of the dollar sign they see. And the money that's been offered to them now. That's going to be our big problem.

Aboriginal Woman

Peter Costello's \$3,000 for each kid.

Coen Man

8

Tania Major

5. Baby bonus.

Aboriginal Woman

It's 5 now!

Man

No, it's gone up to 8.

Noel Pearson

Gone up to 8.

Aboriginal Woman

The sales of plasma TVs have skyrocketed. Yep, that's right. It's happening all over the country. It's happening in white communities too.

Ok, look there's heaps of hands that have gone up. Let me just try to get at... there were two down here, you sir and then you lady. Yeh. Make it short, no long stories please.

Man

It will be. I see that one of the phrases, no adult may not cause a child to be neglected, and going back to what Greg just said, it seems to me that there are a number of children who are having children. I wonder in terms of neglect whether they know what they actually don't know about rearing and part of the equation may also be about the effect of learning of parenting of teenage mothers.

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I think that's something that we've got to touch on. I mean the parenting skills have got to come back but before we continue to have children having children, I think this group and these people who have the parents now, will have their say, bringing up their children properly, the neglect gives them the right to be out there to make children. Children make children at night, out there, you know in the afternoons when they're not around their parents or when something is happening up the road and parents don't know where their children are. So, we've got to start teaching the children and holding parents responsible as Noel said before. We've got to start holding parents responsible.

Tania Major

I think that the parents, the young people, so children having children, in a context I think it's complex too because I know for a fact like the cultural complexity side of it. Like, I know when I go home I get treated differently to the young people who have had children. And I think, wow, in order for me to be treated like that I've got to have children, but I think, no, no, no. So there's two... I mean I'm not making excuses for young children having children. But there's a degree of the cultural side of it women, even young kids who are having children are put up on stools and they're treated differently with different respect. And I don't fit in to that group of women on that different level. And you would think alright because all those young people are having kids that they've got to have some support structure around them to teach them how to nurture and look after babies, but you look at the young people who are having children, the majority of them have foetal alcohol syndrome and are of foetal alcohol spectrum disorder, which is the whole frying of the brain due to their mother's consumption of alcohol so they fall in this cycle and have been falling in this cycle, and it doesn't help when the Howard government brings out this \$5,000 baby bonus when we already have problems with welfare passivity and now we're creating this bonus baby generation.

And so it's really hard. I worked at home and we tried to implement a breast feeding with the nursing, I mean I don't know anything about breastfeeding, but I try to help, because I don't have children. But I try to help young women in the community by engaging with other women. The hardest thing was actually trying to get them there. I refused to get a bus to go and pick them up because it's leading back into that dependency, oh well you've got to do this, you've got to put a feed on, and I said, no way! It's about your child. And it was hard trying to make them see the need for them to get there to learn so that their kids would have a future. And I've just come to the conclusion that all these young children who are having children are of that generation of deep psychological effects due to alcoholism and it is that foetal alcohol syndrome effect that is just a circle that's continuing. And we've got to have some serious intervention soon because despite the dysfunction there are quite functional young people in our community who want to change, but how do you move beyond that when the majority of them are still stuck in this hole that's getting deeper and darker.

And having a program is good you know, as part of our staircase of opportunity our welfare reform agenda, enabling structures so that people have the choices and the incentives to move up out the ladder for freedom. But right now until we restore the basic norm in the community, that got to be imposed. I think it's a behaviour change. Look at the alcohol management plan. I know people in the community were drunk 24/7 you know. I know somebody who was called Dr. Grog and I was thinking when was he going to be promoted to Professor. You know? And this has changed people's behaviour. And now with our welfare reform agenda it's actually about getting there and teaching me. Because my reality is the same as other young people, you know. Suicide is inevitable. It's so normal. But how do we change that for another 10 years to 20 years. You know it's not that long ago and I'm not that old yet. But being Indigenous I do feel old.

Marcia Langton

There's a couple more people who've put their hands up, I'm a bit blind, but ... So, ok, you sir, and then.

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Look, we don't have much more time, we've really only got say 4 or 5 minutes. Ok? So I'd like to squeeze in 3 questions.

Andrew Bless, the Australian Secondary Principal's Association

I'll keep it brief. Andrew Bless the Australian Secondary Principal's Association. I guess I would be saying nothing new when I say I think schools create human and social capital. I'm concerned about the mutual obligation of State and Territories under the Howard response and under this plan to deliver appropriately qualified prepared teachers and principals to work in rural and remote Australia. We've got significant problems in supply in those areas. Has the Institute worked with the Queensland government or the Howard government to work on incentives to get teachers to work in your communities? And to work for a prolonged period of time to make a difference?

Marcia Langton

The answer's yes. Somebody, Noel, want to answer that question quickly? You want me to do it? Look to cut a long story short, maybe we can talk like at dinner or lunch tomorrow about it. There's been a movement for something that looks like a charter school arrangement up here in the Cape. The Western Cape college has now becomes the Cape College, that's correct yes? So the school's are all federated and there is much more leeway with recruiting and employing teachers up in the Cape. So it looks rather like a charter school and there's also of course the higher expectations program with 23 kids in boarding school now, and along with all the other kids who go to boarding school from the Cape. There's a lot of political correctness down south, oh my God, Aborigine's are going to private school, that's dreadful! No it's not. It's the best thing in the world because given the state of some of the schools in remote Australia it's the best thing in the world. It's the only way those kids are going to get a good secondary education.

So there's the Coen computer culture program, which is another project. There's the yelp project over in Aurukun, but I think the Cape college model is setting up a kind of model for a charter school. It seems to be working, is it working, Noel?

Noel Pearson

It's still under development.

Aboriginal Woman

Still under development, ok. But your point is taken, we all know that that is the problem. We need to get I think the deans of the faculties of education to pay attention to these issues, to have professional training for any teacher who intends to work in a school with some proportion of Aboriginal children. They need to be properly qualified to do so. Not these poor kids who are sent out to tropical Australia, come to tropical Australia and teach in an exciting Aboriginal school. They get no briefing. They end up behind a barbed wire fence. They're terrified at night. Don't know how to teach this classroom of kids. Don't know how to do a classroom plan for kids who speak in this classroom six languages. Yep, they need to be trained. We've got to get the deans of the faculties of education to start training their young people professionally to work in Aboriginal areas. It's a long story, we need to have this discussion later.

Now, there was another man, oh, lady, alright ok. And there's a man just here.

Injinoo Lady

This is a question for Mr Pearson. We're from NPA from up north, Cape York arm. I myself am an Injinoo woman. There's just looking at the policies and questions that we'd like answers for. Like how will the welfare reform policy rollout across the Cape communities and like for our communities, like we weren't involved in the original project, so is it a government policy or was it voluntary or...?

Noel Pearson

With the four communities that are involved in the trial, three communities represented here, they voluntarily worked with the Institute on this project. So we've been working over the last 12 months with Aurukun, Hope Vale, Mossman Gorge and Coen, working with the organisations and the leaders and talking to the community about welfare reform ideas and we've now presented this report which applies to those communities.

Now, it's a question for the Federal government and the Queensland government and as well as the other communities on the Cape as to whether they are interested in pursuing a similar approach, but you know, you wouldn't have got as far as we've got without leadership from the communities being open to the concept.

Injinoo Lady

Ok, thank you Mr Pearson, and also just looking back into our organisation, our core business is child protection and also child care in the communities and the remote and listening from our Elder here, Mr Creek here and also Greg. I believe that it would be good if we can... because we'd really like you to have a look at our model too of our organisation, the NPA Women's, because we have a great interest and like you said we have a great passion for our children and our community of all the social input and the issues that involve in all the social issues in the community, so we would really like to yeh, come and visit our community, even looking at our models. Thank you Mr Pearson.

Noel Pearson

Yeh. Right.

Can I say Marcia that there's a whole range of good things that are being done by people in supporting families, in supporting health, in supporting child protection, in supporting rehabilitation, counselling and a whole range of good strategies and good programs. I suppose the new thing with welfare reform is that we're using the lever of income support. And that's not been a lever available in the past. So, what I want to make clear is that we don't say that all of the existing effort, and particularly the good things that are happening, is somehow replaced by a better idea. What we're doing, what we're saying is that we're addressing a big shortcoming which is that we've never been able to make a connection between income support payments and all of the other family and individual support efforts that are made by health and family and child and youth service providers and so on. We want to make you connect, and remember, it's understandable why there's never been a connection between the two things. It's because the Commonwealth controls income support and usually State and Territory governments control all the other programs, health, youth, families, police, and so on. And for the first time what we're saying is we want to draw a connection between State-based interventions and Commonwealth income support. Because at the moment we've been trying to tackle disadvantage through a two pronged approach that are not related to one another. One through the income support system and the other one through the family support service system, and the policing and justice system. And there's never the twain have met. For example, even drug courts can't use income support payments to support people on rehabilitation and so on. Because the law doesn't allow a connection to be drawn between the two things. And what we're saying to the Federal government and the State government for the first time is we want to actually use the two prongs of tackling disadvantage, join them

together so that some of the very good things that organisations such as are happening on the northern peninsular, the good things that you are doing is supplemented and supported by the bottom line, really. And the bottom line is that we want to be able to move on income support payments if people are not being responsible. So we really need all the other support services.

Marcia Langton

Now, it is 4:30, that's correct, isn't it? And we're supposed to stop now, but there are a couple of people with questions, is that alright if we keep going? Is everyone too tired.

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Marcia Langton

Ok. Which is what, sorry I forgot?

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??? can't hear

?? who's going to ?? child abuse and neglect to the community ?? Someone said the other day there is no such thing as Anglo communities. There were before the industrial revolution. You go back to England now and you find a church every 3 miles ?? each of those communities were in fact villages. They were communities. So my question to the panel is where is the dynamic of community life. ?? back to English communities what they used to do when the dynamic of community life was well and truly alive, they had stocks, they had dipping things ?? up again and the whole community roared with laughter at them. They were ashamed. And in traditional Aboriginal culture ?? happen ?? they banished people from their communities. And when they did that they were ashamed. They were out of the communities, gone. ?? And they weren't allowed to come back ?? My question is where is the dynamic of community life that we've been talking about all afternoon, where is the true power of community life ???

Marcia Langton

Look, you know, I think most normal people, who aren't sick from grog, sick from drugs, or brain damaged, or born with foetal alcohol syndrome, are naturally deeply offended and sickened by child abuse and child neglect. And so, you know, you agonise about it and try to find a way to deal with it. I think what Noel's coming up with this whole approach to welfare reform is the answer for people with normal responses. What Tania has drawn to our attention is the huge proportion of the next generation, the younger generation who are not normal. People who do drugs are not normal. And I think that is where the question that you ask becomes very relevant. What do we do with people who are not normal? And with the rates of substance abuse, petrol sniffing, drug use, extreme alcohol abuse to the point of brain damage, the foetal alcohol syndrome, the damage to the brain from violence, you know all that sort of stuff, what do we do when those people go beyond the pale? Well I think you know, those old Aboriginal remedies are still used in many communities throughout Australia and there's a bit of an uproar about it and a lot of confusion about it. And of course what's the going rate for child rape now? I think, you know the average offender does 3 months in gaol. Is that about right? 3 months? Yep. So you know there's no sort of rational response. Neither from the mainstream society nor from Aboriginal society. And I reckon that a lot of the sort of dumb Aboriginal response that we're getting in the newspapers is actually people don't understand what's going on. They actually don't believe that the extent of child abuse and neglect in the communities. They can't understand, it doesn't sink in that this is happening. So I think the question is a very good one and it's the tough one. But I don't know that we have ready answers for that. Sorry, Noel.

Noel Pearson

The thing about norms, I think is that they've got to be defended. It means minding other people's business in a community. It means being judgemental. It means being your brother's keeper. And in my own experience I think when the missionaries went, we associated all of those things, being your brother's keeper, being a bit judgemental, going and knocking on the door when people were playing the stereo loud, we associated all those things about stepping out the front gate and holding our neighbour's to account, with the missionaries. Even though it was our Elders that did those things. When we think about it, it wasn't the missionary going and holding people to account when we were growing up, Gregory, it was our own Elders who were doing it. But we associated all that stuff I think with the missionaries. And when we threw the missionaries out we threw everything else out with them. But we also came to believe that things like marijuana and so on were harmless

things. Yeh? I thought it was funny when marijuana came to Hope Vale. I'd been to university and it was a harmless drug and I think I even had a t-shirt with a marijuana insignia on it. You know, when you're 18 and silly. Not that I've ever smoked in my life by the way! [laughs] Not that I have ever, I can tell you.

But I'm just saying you know what I mean, you just think people are moralising. That was how I viewed it when marijuana started up. And jeez we got all leisure to regret now. And so, when I was on the council in 1989 and things were falling apart big time, you know, it was the rush when young women started to drink. Basically it came with CDEP actually. You know changing from the fortnightly social security cheque to the weekly CDEP seemed to cause some real changes and women receiving the money directly and so on. Anyway there was an explosion of young women who drank. It was very discriminatory in the '70s. If you were a woman and drank it was highly frowned upon. But then it kind of became acceptable overnight in the mid-'80s.

But anyway in those days when the stereos and the drinking parties started up, I used to have to go down to Gregory's place on Sunday afternoon to wait for him and Roland to play with me. And we'd have to wait for 3 or 4 hours after lunch because the whole community was quiet, everybody was resting. You don't make a noise after church.

Anyway, I was on the council at the time and I decided I'm going to go and knock on these doors and tell these people to turn their stereos down. And I nearly got punched in the head 3 or 4 times, you know? There was not the willingness on the part of the community to say, no this is unacceptable. You can't play the stereo, these kids have got to go to school, these people have go to work. And so we retreated into a cocoon of non-judgementalism. Nobody was willing to uphold any kind of standards. And yes we are horrified when we hear about the last child abuse case. We're sickened but we're not nearly as horrified as we would have been 20 years ago. We would have been outraged 20 years ago. But now we hear about it, the next suicide, oh did you know so-and-so's in Lotus now because he did such-and-such a thing. That's water off a duck's back now.

So, social norms actually requires people to be prepared to stand up for them. And that's why I'm absolutely convinced that unless Gregory and I stand up in our own grandfathers' community and say, nay, you know, I mean I love Gregory's speech on the video this morning. You know his expectation of Hope Vale people, they are a proud people. They're

capable of much better things than what's going on at the moment. But unless there's a willingness from within each community to say we can't be non-judgemental about this, we've got to say these are standards and we're going to defend these standards. It's because we've failed to defend them that they've crumbled. Most people are beneficiaries of the fact that there are some people in society who hold on to the norm and defend it. So, I just think that rebuilding norms in each community is going to require moral courage from people from within that community and that's going to require a willingness to be your brother's keeper.

Marcia Langton

Ok, there's one man who's been waiting to ask a question. I'll let you ask your question. Quickly.

Man

Sorry. It's not that desperate a question. ?? It's really for Tania. I'm very interested in the 20% of Aboriginal pregnancies that occur to teenagers. We've talked already about it, children having children. In the non-Aboriginal community most young women have control in their own hands of their fertility. What proportion of your peers that are getting pregnant do that by chance, by accident, and what proportion do it in order to get the government's thousands of dollars? And is there some way to give more power to your peers to control their own futures so that we have fewer children having children?

Tania Major

Education. Education. At present, I was living at home last year and I was doing a crime prevention program. I was actually appalled to see that the young girls in Grade 7, 8, 9, and 10 were not actually being delivered a program that looks at sexual health. They didn't have that in Kowanyama. I remember we used to have ...

Aboriginal Woman

I don't think there are in Queensland either.

Tania Major

I was actually appalled, and it's not chance, it's education. It's lack of education. You've got to understand some of these children were having children, comes back to child abuse and neglect. Neglect that leads them to child abuse. Some of these young kids are raped. And

Man

???can't hear

Tania Major

Well, that's both sides. I mean you've got the welfare impact on the mentality on the next generation of young people in our community and it doesn't help when, you look at the other side of the coin. You've got that where government is giving \$5,000 per pop to this whole blood money regime. You've got the criminal justice system, the compensation component where women are saying to their husbands, you stab me a couple of times you go to prison, I get \$20,000 we've got a brand new car. You know? And so there's this idea that's just so deeply embedded it's really difficult. It comes down to individual behaviour and the service delivery component that's actually forming these behaviours and perpetuating that particular behaviour and some of these young people, yeh, some of them are falling pregnant by chance, some of them are falling pregnant because they're very promiscuous at a very young age because of child abuse and neglect, and so there is a cycle just continuing. And then you've got the baby bonuses with the welfare dependency, the impact of welfare. Have a few kids, that's 15 grand, you've got a brand new car. So it's deeper, but I think the key to it is education. To look at these structures and make sure that our kids are given the expectation of teachers and the education system and our kids. Just because these children are black that does not mean that they should still continue in the cycle. It's providing them that opportunity because I know my father and my mother gave me a lot of books on sex. I was in the community and kids in my group thought that was bad. But I was bringing them along with me.

Marcia Langton

I think that's a very good point, Tania. So look I'll round it up by summarising I think the Queensland government has to get over the Bjelke Petersen years. You know it is the 21st century already, and have sex education in schools and have it delivered with a mind to the problems that are being discussed here in the schools with high Aboriginal or total Aboriginal

enrolments. This is absolutely fundamental. And if you want to stop child abuse you need teachers who know how to teach good sex education. And when was the last time they banned a sex education program in Queensland, it had something to do with seagulls. There were seagulls doing it, and that was banned. When was that? Am I getting too old?

It's got to happen. So what people are missing about a lot of the sort of... STDs among children, is that the children are doing it to each other. Yeh? You've got rampant sexuality amongst the minors. And so that is why you have to reintroduce the sex education into schools and it's just absolutely fundamental. So anyway, we'll finish up on Tania's note of education and we'll see...

ENDS