

INQUIRIES AND OUR COMMUNITIES

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Parliamentary inquiries

NSW Legislative Council Committees have undertaken a number of inquiries over the past decades that have dealt with issues relevant to Indigenous communities. A recent example of this is the Standing Committee on Social Issues inquiry into issues relating to Redfern and Waterloo, conducted in 2004. Unlike most other inquiries, which follow a standard consultation process, this inquiry adopted a number of different consultation methods to seek the views of the community, and in particular, the Aboriginal community.

The traditional model for a parliamentary inquiry, upon receipt of the terms of reference, is to advertise in major newspapers, call for submissions and then conduct formal hearings taking evidence from relevant experts and interested parties. The hearings follow a formal process involving Committee members asking witnesses a series of questions on matters related to the inquiry terms of reference. Hansard reporters produce a transcript of evidence which is made publicly available on the Parliament's website. Hearings are most commonly held within Parliament House, however on occasion the Committee will travel to rural and regional centres. The Committee may also conduct site visits as the need arises. The Committee produces a report on the matters raised by the terms of reference that usually involves findings and recommendations on the need for policy and legislative change. For the report content the Committee relies heavily upon the information provided in submissions and hearings.

Several recent inquiries conducted by Legislative Council Committees such as the Social Issues and Law and Justice Committees have explored novel ways to consult communities such as Indigenous communities. As noted in the report, *Innovative committee methods*, innovative techniques can be defined as those methods “that depart from the ‘trinity’ of the typical inquiry: submissions, hearings and reports.”¹ The departure from the ‘trinity’ of methods is an important step in exploring more effective and imaginative ways to reach out to communities and individuals who may not respond to the more traditional approaches. As the report notes, while it is likely that submissions, hearings and reports will continue to be the mainstay of inquiries, ‘some committees find that it is often valuable to their inquiry, and more generally the policy process, to use techniques that fall outside this traditional model.’² The authors list the following as examples of innovative methods:

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¹ Beverly Duffy and Merrin Thompson, *Innovative committee methods: Case studies from two Parliaments*, NSW Legislative Council, July 2003, 4.

² Duffy and Merrin Thompson, *Innovative committee methods: Case studies from two Parliaments*, NSW Legislative Council, July 2003, 4.

- Consult with stakeholders and members of the public;
- Generate interest in, and awareness of, a particular inquiry;
- Clarify inquiry terms of reference;
- Open up lines of communication between various interests;
- Test support for committee recommendations; and
- Promote the findings of an inquiry and give further impetus to the Committee's recommendations.

As outlined in greater detail below, the 2004 inquiry into issues relating to Redfern and Waterloo explored many of these methods in an attempt to access a range of community views, and in particular, the views of Aboriginal people.

Background to the establishment of the Parliamentary inquiry into Redfern and Waterloo

The inquiry came to the Social Issues Committee after the tragic events that occurred in early to mid February 2004. The following is a summary of the account given of those events in the Committee's Interim Report, *Inquiry into issues relating to Redfern and Waterloo*.³

While the terms of reference for the inquiry do not relate to these events specifically, they underpin the inquiry and provide a focus for many of the issues examined in the two reports produced by the Committee. On the morning of Saturday 14 February 2004, a 17-year-old Aboriginal youth was fatally injured when he fell off his bicycle while riding in Waterloo. The young man had been riding fast when he hit a kerb, his speed projecting him onto a nearby iron fence. Police in the area arrived at the scene and an ambulance was called to take him to Westmead Children's Hospital. He died the following day.

As the interim report notes, it had been alleged that police were chasing the young man at the time of his accident, and this speculation quickly spread throughout the Aboriginal community at Redfern. The death of the young man roused strong feelings of anger and resentment toward police among some members of the Aboriginal community, and during the day of 15 February tension in the Redfern Aboriginal community grew. By that evening a group of people in Lawson Street had started throwing bricks, rocks and broken bottles at trains passing through Redfern Station. The station was closed down and police were called; the group then began to throw missiles at police, injuring several officers.⁴

Police attempts to negotiate with the group were unsuccessful and late on Sunday night the Operational Support Group (OSG) or 'riot squad' was

³ Standing Committee on Social Issues, *Inquiry into issues relating to Redfern and Waterloo, Interim Report*, Report 32, NSW Legislative Council, August 2004.

⁴ Standing Committee on Social Issues, *Inquiry into issues relating to Redfern and Waterloo, Interim Report*, Report 32, NSW Legislative Council, August 2004, 2-3.

called in. By this stage a car had been set on fire and small petrol bombs were being thrown as well as loose pavers from a nearby house. The Fire Brigade was contacted, as police were concerned Redfern Station was going to be set alight. Members of the Aboriginal community attempted to calm the situation, but were unable to intervene successfully.

The interim report also notes that police from other metropolitan commands had also been deployed to Redfern, until over a hundred police were in the area. When the OSG and equipment arrived, a line of approximately 30 police with riot equipment was formed and attempted to move forward to disperse the group. After seven hours of rioting and a number of attempts to disband the crowd, the police were finally able to disperse the group at about 4 o'clock Monday morning

As the Interim report outlined, the day after the riot a number of inquiries were announced into the events leading up to the riot and the night of the riot itself.

NSW Police

Soon after the riot, the New South Wales Police Commissioner requested an investigation into 'the decision making, the activities, the response, the resources used on the night of the riot.'⁵ The investigation looked at the capacity of NSW police generally to respond to similar incidents. The team conducting the investigation was called Strike Force *Coburn*.

On 16 July 2004, the then NSW Police Minister, the Hon John Watkins MP, Commissioner Ken Moroney and then Deputy Commissioner David Madden released a package of initiatives aimed at addressing policing issues in Redfern. The initiatives were based on the recommendations of Strike Force *Coburn*. Matters relating to the Strike Force *Coburn* report and the initiatives announced by the Minister are discussed in Chapter 4 of the Social Issues Committee's interim report.⁶

NSW State Coroner

The NSW Coroner conducted an inquest for the purpose of clarifying the circumstances of the death of the young Aboriginal man and to determine if any police misconduct occurred. After hearing from approximately 20 witnesses the Coroner handed down his findings on 17 August 2004. The Coroner's report found that police were not responsible for the death of the young Aboriginal man. While raising some concerns about the reliability of some of the police evidence, he found that there was no evidence that police

⁵ Deputy Commissioner David Madden, Deputy Commissioner Operations, NSW Police, Transcript of evidence to Inquiry into Issues Relating to Redfern and Waterloo, NSW Legislative Council Standing Committee on Social Issues, 18 May 2004, 66, found at <<http://www.parliament.nsw.gov.au/socialissues>> .

⁶ Standing Committee on Social Issues, *Inquiry into issues relating to Redfern and Waterloo, Interim Report*, Report 32, NSW Legislative Council, August 2004, 67-106.

pursued or chased the young man. The Coroner noted that: “I can say that the police vehicle was never tailgating the bike.”⁷ A full version of the Coroner’s report can be found at <<http://www.lawlink.nsw.gov.au>>.

NSW Ombudsman

As noted in the Committee’s interim report, the NSW Ombudsman had a monitoring role in relation to the police investigation regarding the events of February 14 – 16.

WorkCover NSW

WorkCover NSW conducted an investigation in response to the riot, into the adequacy of the systems of work and other safety related controls applied by NSW Police.

Parliamentary inquiry

In addition to these four inquiries, the NSW Legislative Council on 26 February 2004 referred terms of reference to the Social Issues Committee which asked the Committee to examine and report on a range of issues that related to the suburbs of Redfern and Waterloo, with a particular focus on the Aboriginal community. The terms of reference asked the Committee to inquire into and report on:

- (a) Policing strategies and resources in the Redfern/Waterloo areas;
- (b) Other existing government programs in the Redfern/Waterloo areas, including local, state and federal programs;
- (c) Non-government services and service provision in the Redfern/Waterloo areas;
- (d) Strategies under the current New South Wales Government “Redfern/Waterloo Partnership Project”, and the effectiveness in meeting the needs of local indigenous and other members of the community; and
- (e) Proposals for the future of the area known as The Block.⁸

The Committee membership for the inquiry was:

- Jan Burnswoods MLC, Australian Labor Party (Chair)
- The Hon Robyn Parker MLC, Liberal Party (Deputy Chair)
- The Hon Dr Arthur Chesterfield-Evans MLC, Australian Democrats
- The Hon Kayee Griffin MLC, Australian Labor Party

⁷ *Inquest into the Death of Thomas James Hickey*, 18, found at <<http://www.lawlink.nsw.gov.au>>

⁸ Standing Committee on Social Issues, *Inquiry into issues relating to Redfern and Waterloo, Interim Report*, Report 32, NSW Legislative Council, August 2004, 4.

- The Hon Greg Pearce MLC, Liberal Party
- The Hon Ian West MLC, Australian Labor Party.

The Committee was assisted by a Secretariat of four people. The Secretariat provide research and administrative assistance, including organising hearings and forums, conducting background research, and assisting in the preparation of the reports. Both the interim and final report can be found at <<http://www.parliament.nsw.gov.au/socialissues>>.

Consultation process

The Parliamentary inquiry took place over approximately nine months during which time the Committee held 13 days of consultations, meetings and hearings, taking evidence from 139 witnesses. A number of these meetings took place in the Redfern and Waterloo areas. In addition, the Committee received 94 written submissions from a range of interested organisations and individuals.

As noted above, the inquiry terms of reference made particular reference to Aboriginal people and issues related to Indigenous communities, such as service delivery for Aboriginal people in the area and the future of the Block. The history of the Block is well known to Indigenous communities and is looked at briefly in the Committee's interim report.⁹ In terms of population, in 2001, 311 people from an Indigenous background lived in Redfern and 411 lived in Waterloo, which represents approximately 2.8% and 7.1% of the population of those suburbs respectively.¹⁰ Redfern and Waterloo have a significantly larger Indigenous population living within their boundaries compared to the rest of Sydney, as Indigenous people account for about 1% of the total Sydney population. Redfern and Waterloo also experience a large transient population of Aboriginal people who visit the area frequently but do not reside there, who are nonetheless considered to be part of the community. Many Indigenous people visit the area to access important services such as the Aboriginal Medical Service. As the only Aboriginal member of the NSW Parliament, Ms Linda Burney MP, told the Parliament in November 2004:

Redfern holds a special place in the hearts and minds of Indigenous people, not just throughout Sydney and New South Wales but right across the whole country. It is a symbolic place, and regard should be paid to its symbolism and history, not only to its social circumstances that are so clearly evident. The Redfern Waterloo area is truly the birthplace of self-determination in Australia.¹¹

In recognition of the large number of Indigenous people living in

⁹ Standing Committee on Social Issues, *Inquiry into issues relating to Redfern and Waterloo, Interim Report*, Report 32, NSW Legislative Council, August 2004, 34-37.

¹⁰ Information based on the 2001 Census.

¹¹ Ms Linda Burney, MP, Legislative Assembly, New South Wales, *Hansard*, 17 November 2004, 13036.

Redfern and Waterloo, and the significance of the Redfern area to Aboriginal people, the Committee decided to explore different ways to access a wide variety of views on the major issues for Aboriginal people in the area, and ways to address problems and gaps in services. The Committee was keen to move beyond the traditional methods of submissions and formal hearings, as outlined below.

Advertisement of inquiry and call for submissions

The Committee was conscious that many people with an interest in the inquiry might not learn about it through the usual means. Strategies for advertising and calling for submissions were therefore tailored to the local community. This was addressed as follows:

- As well as the usual advertisements in the major metropolitan newspapers, the Committee advertised in the *Koori Mail* and the *South Sydney Herald* (a local paper that goes free to households in Redfern and Waterloo);
- A media release was sent to metropolitan and regional newspapers, radio and TV shows, including Aboriginal media such as *Koori FM* and the *National Indigenous Times*; and
- In addition to the standard letter inviting people and organisations to make a submission, the Committee produced a flyer to distribute in the community, for example, at the Redfern Community Centre, Town Hall, health centres and local cafes.

Preliminary meetings with key stakeholders

Secretariat staff had numerous preliminary meetings with a number of key Indigenous community leaders to determine the most appropriate methods of consultation and to discuss the major issues of concern for Aboriginal people living in the area. Meetings were held with Marcia Ella Duncan, Sydney Regional ATSIC Chair, Mick Mundine and Peter Valilis from the Aboriginal Housing Company and a number of other agency representatives and individual Aboriginal community leaders.

The purpose of the meetings was for the Secretariat to meet with key community leaders to explain our role as well as the role of the Committee and outline how the inquiry would be conducted. At the meetings, relevant information was provided to assist with the explanation of the inquiry and its purpose, such as the terms of reference, membership of the Committee and copies of past reports. Members of the Secretariat discussed with the meeting participants, ways that they and other Indigenous organisations and individuals could participate in the inquiry. A major focus of the meetings was to gain some understanding of the major issues facing Indigenous people living in Redfern and Waterloo, and to establish some culturally appropriate consultation methods.

Visit to Redfern and Waterloo

Prior to conducting the hearings and forums for the inquiry, all six members of the Committee visited the Redfern and Waterloo area on an informal walking tour. The Committee members were interested in gaining a better understanding of the area and meeting informally with a number of local people. During the visit, Committee members visited the Block, the Aboriginal Housing Company offices, the Redfern Community Centre, and the area in Waterloo where the young Aboriginal man was fatally injured. The visit provided Committee members with a better understanding of the surroundings and matters to be discussed in the upcoming hearings and forums. The visit also provided a number of community leaders and individuals with the opportunity to meet the Committee members who would be responsible for conducting the inquiry.

Engaging the assistance of the Jumbunna House of Indigenous Learning

During the preliminary meetings, a number of key Indigenous leaders including Marcia Ella Duncan, recommended the appointment of an Aboriginal facilitator to assist the Committee in engaging the Aboriginal community.

To this end, ATSIC engaged the Jumbunna House of Indigenous Learning to assist Aboriginal people with submissions and consultations with the Committee for the duration of the inquiry. A number of Jumbunna staff including Jason De Santolo, Jason Field, Heidi Norman and Sonny Edwards were involved throughout the inquiry in the following ways:

- Advising the Committee staff on consultation methods for the inquiry;
- Providing lists of key contacts, including organisations and individuals;
- Providing assistance to key organisations in making a written submission to the inquiry;
- Holding information meetings in the Redfern and Waterloo area in relation to the purpose of the inquiry; and
- Attending hearings and forums to assist and support people in giving evidence to the inquiry.¹²

Hearings

The Committee conducted its hearings at Parliament House as well as at different locations in the Redfern and Waterloo area. The hearing process involved a range of people including Departmental representatives, service

¹² Sonny Edwards was engaged by Jumbunna as a senior community adviser in this assistance role.

providers, educators, community elders, individual community leaders and young people. Witnesses were offered a choice between:

- *Standard hearings*: appropriate for witnesses from Government agencies and experienced interest groups and others comfortable attending a standard formal hearing at Parliament House, or
- *Hearings in the community*: appropriate for witnesses who would prefer not to come to a standard hearing. These hearings were held in well-known and convenient locations for the witnesses including the Redfern Town Hall and the Redfern Community Centre.

While many Aboriginal organisations and individuals were keen to attend hearings in the local community, a number of other Indigenous people preferred the option of providing evidence at a hearing in Parliament House. At every hearing, at both Parliament House and in the community, the Chair of the Committee began proceedings with a Welcome to Country.¹³

Forums

The Committee was keen for a number of meetings and forums to take place within the community. The forums are different to formal hearings in that they involve an informal exchange of information and views between the Committee and members of the community. The Secretariat was advised by Jumbunna and other Indigenous leaders during our preliminary meetings that informal meetings such as round table forums are one of the effective methods used to consult Aboriginal people.

The Committee has some experience in consulting Indigenous communities. During the 1998 inquiry into dedicated seats for Aboriginal people in the NSW Parliament the Committee conducted eight community meetings to explore what the Aboriginal and wider communities thought about designated seats for Aboriginal people. The meetings were held in Redfern, Parramatta, Armidale, Lismore, Wagga Wagga, Batemans Bay, Coffs Harbour and Dubbo. Consultants from Arrilla Aboriginal Training and Development assisted the Committee to organise the community meetings. For more information on the consultation process and the final report for the inquiry, go to <<http://www.parliament.nsw.gov.au/socialissues>> to view the report, *Enhancing Aboriginal Political Representation: Inquiry into dedicated seats in the New South Wales Parliament*, November 1998.

For the inquiry into Redfern and Waterloo, a number of forums were held in the Redfern and Waterloo areas. These forums were targeted to specific groups including local Indigenous service providers and community groups, and assisted the participation of local elders and young people.

¹³ A full list of hearings and witnesses can be found at Appendix 2 of the final report, Standing Committee on Social Issues, *Inquiry into issues relating to Redfern and Waterloo*, Final Report, Report 34, NSW Legislative Council, December 2004, 169-174.

Forums were held in more than one location. The Committee was advised that venues that are familiar and convenient to the community and non-threatening are most conducive to a free exchange of information. A number of venues were recommended and subsequently used during the inquiry, including:

- Redfern Town Hall;
- Redfern Community Centre;
- Alexandria Town Hall;
- The Redfern Centre;
- Waterloo Neighbourhood Centre; and
- Fact Tree Youth Service, Waterloo.

On the advice of Jumbunna and others, the Secretariat staff employed a number of strategies to advertise the forums. Posters were placed within the local community at sites such as the Redfern Community Centre, the Aboriginal Medical Service, youth centres, the local library, Aboriginal Education Council at Redfern Primary School, Redfern Community Centre, Mudgin-Gal and the Eora Centre. Jumbunna organised information evenings with dinner provided for community members to come and find out what to expect and how to participate in the forums. In addition, the Committee sent out invitations to key organisations and individuals inviting them to attend community meetings. Participants were invited to join the Committee for lunch and or morning or afternoon tea.

In addition, the Chair of the Committee participated in a number of interviews with Koori radio to discuss the inquiry, the issues raised during the inquiry process and the consultations with the community.

The forums were recorded by Hansard reporters only after permission was sought from forum participants. In some cases, participants were happy for the information to be used by the Committee in the production of its reports to Parliament. Other participants agreed that the information could be used provided that their names were kept confidential. The Committee agreed to this request on all occasions. Only a small number of participants did not want their information to be used in the report. Again, the Committee agreed to this request. The discussions in the forums provided the Committee with a valuable insight into the complexity of issues facing Indigenous people living in Redfern and Waterloo. The interim and final reports contain a considerable number and variety of important statements made by members of the Aboriginal community.

Feedback after completion of interim report

The terms of reference directed the Committee to produce an interim report at the mid point of the inquiry. Accordingly, an interim report was produced in August 2004, which provided the opportunity for people to comment on issues raised in that report. The Committee conducted a range of

hearings and forums in the second stage and Indigenous community members provided considerable feedback on the inquiry process, and the initial findings and recommendations. This informed the inquiry process and assisted the Committee in the completion of the final report, tabled in Parliament in December 2004.¹⁴

The interim report made 22 recommendations on a range of issues including the future of the Block, policing strategies in the area and the adequacy of government programs and non-government service provision in the Redfern and Waterloo areas. Of the 38 recommendations made in the final report, some recommendations and findings followed up on issues raised in the interim report, while others addressed the changes that had taken place in the area during the inquiry, such as the establishment of the Redfern Waterloo Authority.

Conclusion

Throughout the inquiry the Committee aimed to consult widely, particularly with the Indigenous communities living in Redfern and Waterloo. On the advice of a number of key Aboriginal leaders, the Committee moved beyond the 'trinity' method (submissions, hearings and reports) and explored alternative ways to reach out to communities and individuals who may not have responded to the more conventional approaches. The involvement of Jumbunna and the use of new and innovative techniques unquestionably enhanced the consultation process.

The use of different techniques will go towards informing future consultations with communities, including Aboriginal communities. As noted in the report, *Innovative committee methods*, "Parliaments will benefit from their committees being more open to change."¹⁵ Innovation should not be an end in itself, and there may be time and resource constraints to consider, however the Parliamentary committee system should be capable of embracing new ways of engaging communities. While there will always be a place for the more conventional methods, a willingness to evolve and explore new methods can only help Parliamentary committees to fully understand the implications on communities of government legislation and policy. Finding new ways to engage with communities will be central to assisting committees to remain relevant and effective.

In relation to the inquiry into issues in Redfern and Waterloo, it is difficult to comment on the effectiveness of the inquiry in creating positive change for Aboriginal communities in the area. It is ultimately up to the Indigenous community to determine whether or not such inquiries have had any

¹⁴ Standing Committee on Social Issues, *Inquiry into issues relating to Redfern and Waterloo, Final Report*, Report 34, NSW Legislative Council, December 2004.

¹⁵ Beverly Duffy and Merrin Thompson, *Innovative committee methods: Case studies from two Parliaments*, NSW Legislative Council, July 2003, 42.

positive short or long-term impact on their communities.

The NSW Government is not compelled to take up the recommendations and findings made by Parliamentary inquiries. In this regard, Parliamentary Committees can be limited in the power they have to effect change. Nevertheless, as noted above, Parliamentary inquiries have an important role to play in monitoring and reporting on the actions and decisions of the government of the day and, most importantly, in speaking directly with the community on behalf of the Parliament.

Parliamentary inquiries also provide an opportunity for Parliamentarians to hear from the citizens of New South Wales on issues that concern and affect them. The considerable input from the Indigenous communities in Redfern and Waterloo gave Committee members a deeper appreciation of the sometimes difficult issues facing Aboriginal people. The opportunity to gain a better understanding of these issues assists members not only in their role as members of the Committee but also in their broader role as Parliamentarians with responsibilities as legislators and decision makers.

As the Chair, Jan Burnswoods wrote in her foreword to the final report:

On behalf of the Committee, I would particularly like to thank the representatives of the many non-government agencies who contributed to the Inquiry. Despite its 'consultation fatigue', as one of our witnesses expressed it, the non-government sector continues to seek improvements to service delivery in Redfern and Waterloo. We are also indebted to the many members of the Redfern and Waterloo communities who participated, including members of the Aboriginal community, tenants of the Waterloo housing estates, residents and activists of the area and the young Aboriginal people we spoke to.

This Inquiry came to the Social Issues Committee as a result of the tragic death of a young Aboriginal man and the subsequent riot in February this year. On behalf of Committee members, I reiterate our deep regret for the death of the young man. The Inquiry has highlighted issues that have been raised many times about the considerable disadvantage experienced by the Aboriginal community, as well as the non-Aboriginal community. The establishment of the Redfern Waterloo Authority, together with the Redfern Waterloo Partnership Project, presents the opportunity to tackle the significant social disadvantage in the area and make a real difference to the lives of people in Redfern and Waterloo. We urge the Government to adopt the recommendations in our Report in order to deal with the complex issues facing these communities. The Committee will follow with great interest the progress of the Government's activities in Redfern and Waterloo.¹⁶

The interim and final reports for this inquiry as well as other social issues reports can be found at

<<http://www.parliament.nsw.gov.au/socialissues>> or for a hard copy of the report, contact the Secretariat on (02) 9230 3078.

¹⁶ Standing Committee on Social Issues, *Inquiry into issues relating to Redfern and Waterloo, Final Report*, Report 34, NSW Legislative Council, December 2004, xi.