



Evaluation  
of the  
Human Rights and Equal Opportunity  
Commission  
National Inquiry into Rural and Remote  
Education

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Special acknowledgment must be given to HREOC staff past and present for their openness and availability, the inquiry commissioners, both full and part time, for actively participating in this evaluation and central office in Sydney for their courage and foresight in initiating an evaluation of its inquiry processes. This is a rare quality in a public institution and reflects the desire of HREOC to have its processes open and visible to public scrutiny. It is an admirable quality in a public institution of any kind in Australia.

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## Executive Summary

### Introduction

HREOC has conducted a range of national inquiries into systemic human rights problems. Public inquiries offer HREOC an opportunity to promote an understanding and acceptance of human rights in Australia and to promote public discussion. Principally through media coverage and public forums they publicise both the Commission and the subject of the inquiry, put the subject of the inquiry in a human rights context and framework and engage the public in discussion and debate. For the immediate stakeholders in the subject of an inquiry, the inquiry provides a forum for public expression of views, experiences, opinions and analysis.

In April 2001, HREOC called for expressions of interest in a collaborative project to evaluate its National Inquiry into Rural and Remote Education. The National Inquiry into Rural and Remote Education had the following objectives:

- To gather information, from policy makers, education providers, education consumers, researchers and members of the public, about the provision of education in rural and remote Australia.
- To inform education stakeholders about the child's human right to education and what education provision it requires.
- To publicise the failures in provision and access to education – and the human rights violations involved – in rural and remote Australia.
- More broadly to promote (i.e. publicise and provide information about) the rights of children, the role of the Commission, the relevance of human rights to the concerns of people in rural and remote areas and the availability of the Commission to address and promote those concerns.
- To evaluate the information received within a human rights framework; specifically to evaluate the provision of education in rural and remote Australia against the benchmark of the child's right to education as set out in the Convention on the Rights of the Child and elaborated by the UN Committee on Economic, Social and Cultural Rights.
- To make practical recommendations for reform and to communicate those effectively to policy makers and legislators.

The Commission's Inquiry into Rural and Remote Education, like other HREOC inquiries, sought to have an impact on human rights through the inquiry process itself and its *delivery* of recommendations rather than through direct action, the aim of the present project was to evaluate the *process* of the Inquiry into Rural and Remote Education.

### Evaluation Research Method

The evaluation task required a multi-disciplinary approach to comprehensively capture the major and critical issues in access to education for remote and rural Australians. However,

more importantly, it required a multi-faceted approach to data collection. A total of 76 people who had participated in the 1999 Inquiry were interviewed about the process of the inquiry in November and December 2001. The site visits were chosen in order to: (a) collect observations and responses from a range of geographic areas where input to the inquiry had been received; (b) to reflect on specific issues that appeared to be geographically specific (on the basis of submissions to the inquiry); (c) Alice Springs and Boggabilla were chosen because they represented two areas where submissions had been made and where there were strong community organisational structures but had not been visited by the inquiry team.

*Step One: Collection of background material* — HREOC made all existing information available for the evaluation study. The evaluation team also collected new and *retrospective* opinions of stakeholders and other people involved in carrying out the inquiry.

*Step Two: The conceptual component of the inquiry* — retracing the conceptual development of the inquiry: in retrospect, was the inquiry *process* appropriately designed?

*Step Three: The input component of the inquiry* — review of the information inputs to the inquiry through individuals, documentary evidence and stakeholder submissions.

*Step Four: The analysis component of the inquiry* — evaluating the interpretation of findings.

*Step Five: The output component of the inquiry* — evaluation of whether the output was disseminated effectively and appropriately.

## **Key Issues that Emerged**

### **(1) *The Conceptual Component***

- The objectives of the inquiry were ambitious, given the complexity of the topic and the limited time and resources available. It was necessary for some difficult operational decisions about how to best utilise the limited time and resources available.
- HREOC was faced with the task of ensuring that the pervasive educational issues faced by Aborigines were adequately presented in the broader human rights context. On one hand there were pressures to focus the inquiry more specifically on Aboriginal issues, but on the other there was pressure to ensure that all target groups remained at the centre of focus. It appears that the Commission's approach worked reasonably well though some approaches in getting to the heart of Aboriginal concerns could have been improved.
- It was clear that HREOC made considerable effort to articulate the view that their inquiry was an attempt to place educational issues in remote Australia in a human

rights perspective. However, this particular feature of the inquiry was not widely appreciated throughout the communities visited by the evaluation team.

- The inquiry was broad ranging in terms of the target groups identified and the issues involved. However, there was a challenge for HREOC to convey the message that they could not specifically act on behalf of the target groups — although they could raise the profile of these issues. HREOC appears to have been well aware of this challenge but should continue to make every effort to clarify its role. Perhaps in the future, posters or videos clips could be used to better convey the appropriate message.
- The inquiry was generally welcomed and considered to be timely by all sectors. However, there were mixed experiences in terms of expectations of follow-up.
- One group that appears to have had limited input to the inquiry are migrants from non-English speaking backgrounds. Disabled groups and parents made reasonable input but in the end felt that the inquiry was too broad to serve the needs of their children.
- Although the Commission made considerable use of peak bodies (community and education) to disseminate information and solicit responses, it is clear that this approach needed to be complemented with a bottom-up grass-roots approach. It appears that attempts to draw responses from migrant communities simply through peak bodies and public advertisements was not very effective.

## (2) *The Input Component*

- The promotion of the inquiry was an important part of the process. While HREOC appears to have put considerable effort into promoting word of mouth information to encourage input from Aboriginal communities it appears that, in retrospect, more effort is needed to overcome perceived limited access to information among some Aboriginal communities.
- The *Issues Paper* could perhaps have been more effective in stimulating input to the inquiry if it had been presented in poster format. While the HREOC team made a decision not to produce a glossy publication it does appear that the more low key but ‘texty’ publication did not attract a great deal of attention in the more remote Aboriginal communities.
- Co-Commissioners had an exceptionally important and worthwhile role, which could be strengthened in future inquiries. Representativeness of Co-Commissioners was applauded by many respondents but questions were raised as to why there was no full-time Aboriginal Co-Commissioner appointed.
- Some Co-Commissioners clearly felt they did not have sufficient opportunity to contribute in a fuller way to the process. Issues concerning their input included whether an initial meeting should have been held to clarify expectations of their role and whether they could have had more input into the analysis process.

- Holding community meetings always brings up issues of who speaks, who is heard, whether the venue is accessible, whether the news of a meeting reaches the right people, if some people are invited, or not. This inquiry was no exception. Prior consultation with communities helps to identify idiosyncrasies of specific contexts. Where some communities see themselves as subaltern, even more care needs to be taken to ensure their representation.
- Much of the evidence collected through hearings and meetings was set in a context of community politics and broader issues of social exclusion. Whatever the style of meetings they will inevitably provide an appropriate forum for discussion for some people, but a rather foreign forum for others. Inquiries need to remain sensitive to such differences and recognise their potential for reflecting community divisions rather than different perspectives on common issues.
- HREOC anticipated the need to include a range of approaches to complement the information collected at hearings. However, the point to note is that participants in one forum are likely to perceive their experience as the *only* input and consequently feel generally concerned that it is not sufficient. This suggests the need to continually reinforce the *range* of inputs to the inquiry overall. No doubt the inquiry team endeavoured to do that, but it appears there is a strong need to reinforce the point that individuals and community groups have a range of options for providing additional input.
- Providing the interests of all are adequately represented it is perhaps of less concern who actually makes the representation. The task for the inquiry is to ensure that all interests are represented. The obvious lesson is that public meetings are limited in what they can be expected to achieve, yet remain an important forum for raising and discussing issues — within the broader process.
- The issues concerning the input component of the inquiry reflect the difficulties of obtaining representative views from heterogeneous communities. These are not unique to this inquiry. More attention needs to be paid to the communication difficulties in remote and rural communities, so that local networks and informal communication mechanisms can be used to greater effect. On the other hand, HREOC appears to have steered a reasonable pathway in dealing sensitively with what was seen to be a complex set of issues.
- For future inquiries it is important to avoid the perception that these exercises are simply a matter of ‘a white mob flying in and out’ while everything remains the same. It also appears to have been a mistake not to have held some hearings or meetings in Central Australia. This is not to say that hearings should be held *everywhere* but simply to recognise the significance of Central Australia as an organisational base for many remote communities whose experiences are rather different from those at the ‘Top End’.

(3) *The Analysis Component*

- Some respondents expressed concern that there was not more ‘stake-holder’ involvement in the analytical process. However, this does not mean that conclusions were perceived as being inappropriate. Rather it is a matter of perceived input.
- Co-Commissioners expressed the view that they could have been more actively involved in the drafting of recommendations.

(4) *The Output Component*

- There were many positive responses to the inquiry reports referring to their usefulness as tools for teaching. The idea of presenting a number of small booklets rather than one large document appears to have been a good strategy. However, there was concern about the level of distribution of the complementary reports.
- Although respondents were generally pleased with the scope of the inquiry and the way in which the results were disseminated others maintained that highlighting a few issues in each topic area *by State* may have been much more effective as a means of influencing politicians.

**Major Lessons to be Learned**

While there was general support for the process adopted by the inquiry there are a number of lessons that HREOC might take into account in future inquiries.

First, some sort of scouting exercise to discuss issues, select appropriate locations and prepare communities, and identify where interpreters would be needed should have preceded the inquiry.

Second, in order to expand participation in the future there is a need to ‘go out to’ participants and visit them at their working locations.

Third, Co-Commissioners could have been used more effectively to mobilise their networks to promote interest in the inquiry.

Fourth, many people made the point that it is necessary to have ‘partner workers’ on the ground to facilitate input and planning, before, during and as a follow-up to the inquiry process.

Fifth, the inquiry could have been better publicised. Various suggestions emerged for a more strategic approach that would have helped offset the very limited advertising budget.

# **Evaluation of the Human Rights and Equal Opportunity Commission National Inquiry into Rural and Remote Education**

## **1. BACKGROUND TO THE EVALUATION**

HREOC has conducted a range of national inquiries into systemic human rights problems. Public inquiries offer HREOC an opportunity to promote an understanding and acceptance of human rights in Australia and to promote public discussion. Principally through media coverage and public forums they publicise both the Commission and the subject of the inquiry, put the subject of the inquiry in a human rights context and framework and engage the public in discussion and debate. For the immediate stakeholders in the subject of an inquiry, the inquiry provides a forum for public expression of views, experiences, opinions and analysis.

A public inquiry enables a process of distillation to occur, whereby issues are identified and arguments evaluated. Inquiry reports summarise opinions and views within the community and within government, and exert an influence on the policy process long after the inquiry itself is disbanded. (Iredale and Millbank, 1992: 14)

Thus public inquiries are different from other components of our political and policy-making system (cabinet, parliament and the public service) but they are rarely evaluated. In April 2001, HREOC called for expressions of interest in a collaborative project to evaluate its *National Inquiry into Rural and Remote Education*. The task identified by HREOC provided an interesting and exciting opportunity for research collaboration between a government body and the University of Wollongong research team.

The *National Inquiry into Rural and Remote Education* had the following objectives:

- To gather information from policy makers, education providers, education consumers, researchers and members of the public, about the provision of education in rural and remote Australia.
- To inform education stakeholders about the child's human right to education and what education provision it requires.
- To publicise the failures in provision and access to education – and the human rights violations involved – in rural and remote Australia.
- More broadly to promote (i.e. publicise and provide information about) the rights of children, the role of the Commission, the relevance of human rights to the concerns of people in rural and remote areas and the availability of the Commission to address and promote those concerns.
- To evaluate the information received within a human rights framework; specifically to evaluate the provision of education in rural and remote Australia against the benchmark of the child's right to education as set out in the

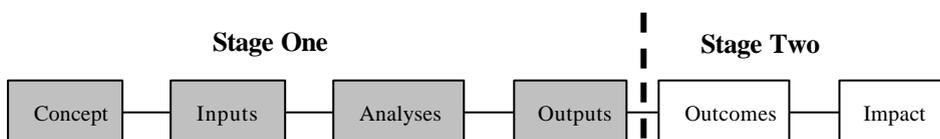
Convention on the Rights of the Child and elaborated by the United Nations Committee on Economic, Social and Cultural Rights.

- To make practical recommendations for reform and to communicate those effectively to policy makers and legislators.

The aim of the present project was to evaluate the *process* of the Inquiry into Rural and Remote Education. This task was rather different from a typical program evaluation because HREOC is not a service delivery agency but is concerned with the provision of advice and the promotion of understanding, acceptance and public discussion of human rights. It is important to note that HREOC does not have the mandate to implement its recommendations. The Commission's Inquiry into Rural and Remote Education, like other HREOC inquiries, therefore sought to have an impact on human rights through the inquiry process itself and its *delivery* of recommendations rather than through direct action. It is the inquiry process that is the subject of the evaluation presented in this report. The *impact* of the inquiry will be the subject of a later project (Stage Two).

This first stage of the evaluation concerned an assessment of the inputs and outputs of the HREOC inquiry. This included analysis of the range of inputs such as qualitative data, submissions and public meetings. The research steps in Stage 1 are summarised below in Figure 1.

Figure 1: A two-stage approach to the evaluation



Before outlining the methods of the evaluation and the findings of this research it is important to document the process of the inquiry itself. This provides a background of the way that the Commission developed and implemented the inquiry process.

## 1.1 The Inquiry Process and Inputs

### Establishment

The Commission's 1998 *Bush Talks* consultations on the human rights concerns of regional, rural and remote Australians revealed that access to education of an appropriate standard and quality is a significant concern in rural and remote areas. The justification for the inquiry is summarised in Commissioner Sidoti's speech launching the final report:

Education is [also] fundamental to the full enjoyment of most other human rights: most clearly the right to work but also the right to health. And to the exercise of social responsibilities including respect for human rights.

This core significance of education was the reason the Commission chose rural and remote education as the subject of its inquiry in response to *Bush Talks* consultations we conducted during 1998. You may recall that we consulted extensively throughout the country during that year on the human rights concerns of regional, rural and remote Australians. Their concerns were many. We were told of fading towns, dwindling populations, withdrawal of services, wholesale departures of young people, lost jobs and lives lost to accidents and emergencies which could not be reached in time and to suicides.

The Commission decided to investigate school education in rural and remote Australia as a way of understanding what was happening in all sectors of rural and remote community life and as a focus for recommendations which, if implemented, may help country people to meet the many challenges they face with creative solutions for local conditions addressing local needs. We saw good education as essential if small towns are to have a future.

The inquiry looked into the availability and accessibility of primary and secondary schooling, its quality and the extent to which it included, in an acceptable way, Indigenous children, children with disabilities and children from minority language, religious and cultural backgrounds. (Sidoti, 2000:2)

The initial proposal for an inquiry was put to the Commission in late 1998. It was justified by reference to the issues that arose during 1998 *Bush Talks* consultations and by reference to jurisdiction (Convention on the Rights of the Child). However, the 0.25 million dollar budget allocated was small and demanded difficult choices for allocating resources for the best effect.

The Commission conducted the inquiry under section 11(1)(g), (h), (j) and (k) of the *Human Rights and Equal Opportunity Commission Act 1986* (Cth). These empower the Commission to promote an understanding and acceptance of human rights in Australia, to undertake research for the purpose of promoting human rights and to advise the Attorney-General on legislation and other action which should be taken by Australia to comply with our international human rights obligations.

'Human rights' as defined in the Act include children's rights as set out in the Convention on the Rights of the Child ([www1.umn.edu/humanrts/instree/k2crc.htm](http://www1.umn.edu/humanrts/instree/k2crc.htm)). Among the many rights included is the right to education. A summary of those provisions which are relevant follows.

- A child is anyone under the age of 18 years.

- Education must be available to all children without discrimination based on race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status (article 2).
- Primary education must be compulsory and available free to all children and secondary education must be available and accessible to every child (article 28).
- Education must instill in all children a respect for human rights and their own cultural identity, language and values (article 29).
- Children with disabilities must have access to education that ensures dignity, promotes self-reliance and facilitates their active participation in the community (article 23).
- Indigenous and minority children must have access to education which ensures their right to enjoy their culture, profess and practise their religions and use their own languages (article 30).

### **Terms of Reference for the Inquiry**

The Human Rights and Equal Opportunity Commission inquired into the provision of education for children in rural and remote Australia with reference to:

- the availability and accessibility of both primary and secondary schooling;
- the quality of educational services, including technological support services; and
- whether the education available to children with disabilities, Indigenous children and children from diverse cultural, religious and linguistic backgrounds complies with their human rights.

### **Personnel**

#### *Commissioner and Co-Commissioners*

The Commission delegated to the Human Rights Commissioner, Chris Sidoti, the power to hold this inquiry. The Indigenous Social Justice Commissioner, Dr Bill Jonas, joined the inquiry for its Sydney hearing.

The Commission also delegated inquiry powers to six Co -Commissioners – each to act in his/her State/Territory alone and to collaborate on the recommendations. The six Co-Commissioners were:

- Ms Barbara Flick, then Director, Aboriginal and Torres Strait Islander Social Justice Unit, HREOC – Co-Commissioner for NSW;
- Dr Alby Jones, former Director-General of Education in South Australia;
- Associate Professor Brian Devlin, Faculty of Education, NT University;
- Sister Patricia Rhatigan, Dean, Broome Campus, Notre Dame University, Western Australia;
- Lady Pearl Logan, community advocate, Queensland; and
- Mr Tim Roberts, secondary student in Cohuna, Victoria.

## **HREOC Staffing**

The HREOC staff consisted of a manager, one and a half full-time staff, and a number of part-time staff and interns. HREOC's Disability Rights Unit contributed some funding to the inquiry in recognition of its coverage of the right to education for children with disabilities. The manager attended many of the hearings, undertook research, wrote briefing papers and was responsible for the production of all publications. The full-time research/policy officer was contracted to organise the inquiry and draft research papers and reports, as well as attend many of the hearings. Part-time staff and interns assisted with specific aspects of the inquiry — including organisation, research, drafting and attendance at hearings.

## **Preparatory documents and background research**

### ***Issues paper***

An issues paper, including terms of reference, was drafted and used throughout the inquiry to inform potential participants ([Attachment 1](#)) [[separate Word doc](#)]. The paper defined the areas under investigation, and provided information about the human right to education as set out in the Convention on the Rights of the Child. It indicated how a submission could be made, and was sent out to key stakeholders as well as interested parties in remote and rural areas. The issues paper was released in late 1998 and sent to people expressing interest in making a submission or giving evidence, and to local organisers of public meetings for distribution to potential participants. It was supplemented with a single page flyer (one designed for public meetings and hearings and one for student focus groups) summarising the reasons for the inquiry and setting out the main focus topics with some of the issues that might come up.

### ***Bibliography***

The Commission commissioned an annotated [bibliography](#) [[http://www.humanrights.gov.au/human\\_rights/rural\\_education/briefing/bibliography.htm](http://www.humanrights.gov.au/human_rights/rural_education/briefing/bibliography.htm)] from the Rural Education Research and Development Centre at James Cook University in January 1999. The bibliography was intended to save HREOC researchers the time it would take to identify the major work of relevance to the terms of reference. It was not intended as a substitute for their own more in-depth research into the topic. HREOC was concerned to ensure that the inquiry was aware of previous inquiries of relevance and the major academic publications of relevance.

The bibliography was placed on the rural education inquiry website. The cost was \$3,200 and it was delivered on 1 April 1999. The bibliography was divided into seven sections dealing with remote and rural education: general; education for children with disabilities; teacher training, in-service and retention; income support and funding; distance education and technology; indigenous education; and non-English speaking background children. In total, about 110 entries were listed and briefly described. The entries focus primarily on

issues and concerns, and are the outcomes of academic studies, as well as government reports and policy documents.

The bibliography was commissioned as a background literature search of 'relevant, more recent, seminal, theoretical and policy-oriented Australian materials'.<sup>1</sup> With only about ten references for each section (other than that of Indigenous Education, with 27), the scope and depth of the bibliography appears somewhat limited. However, it did serve to provide a basic reference point for the subsequent work of the inquiry.

While only few of the items were used directly in the reports of the inquiry, the literature review was an efficient mechanism for surveying existing literature and ensuring the HREOC team were well informed of current issues and debates in the area.<sup>2</sup>

### *National scoping survey*

To offer an opportunity for focused participation by as many interested people as possible, HREOC commissioned a survey from the University of Melbourne's Youth Research Centre in April 1999. At a cost of \$49,600, this input represented a more substantial investment by the inquiry. Participants totaled 3,128, either in writing or during a 2-day phone-in, and 55% of respondents were rural and remote students.

This commissioned study, *Rural and Remote School Education*, [[http://www.humanrights.gov.au/human\\_rights/rural\\_education/survey/index.html](http://www.humanrights.gov.au/human_rights/rural_education/survey/index.html)] collected responses to key issues emerging from the inquiry terms of reference across three categories of respondent: students, parents and teachers. Respondents were predominantly students (55%) and parents (29%) but also included 508 (16%) teachers or other education workers. In terms of location the largest categories of respondent were located within a rural community of between 1,000 and 10,000 people (38% of the sample), or within a small community under 1,000 people (21%). However the sample also included respondents from isolated farms, farm stations within 100 km of a town as well as larger rural centres. Aborigines or Torres Strait Islanders accounted for only 4.5%

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1 See Foreword to the bibliography report.

2 The terms of reference for the bibliographic study included the following: The bibliography will (a) focus primarily on Australian materials, including only seminal items from other countries (b) focus primarily on seminal, theoretical and policy oriented materials with particular emphasis on the more recent research and current policy debates (c) provide full bibliographical details for each item (d) be sorted by broad subject matter as follows

1. Indigenous education
2. Education for non-English speaking background children
3. Education for children with disabilities
4. Teacher training, in-service and retention specifically in rural and remote schools
5. Technological support services for rural and remote education
6. Distance education
7. Income support for children in school
8. Australian education funding models
9. Rural and remote education in general

(e) within each subject be sorted by type of item: monograph, report, book chapter, article, other.

of the respondents. It was not clear how many respondents were specifically concerned with issues experienced by non-English speaking background migrants or responding on behalf of that group. While issues associated with culture and language were discussed in many parts of the report these mainly focused on Aboriginal issues.

The survey report documented a range of experiences and concerns, associated with remote and rural education. These were summarised under the broad headings of 'Provision', 'Access' and 'Quality'. The concluding section of the report provided a summary of key issues and strategies. The final report was delivered on 1 November 1999 and was published on the rural education inquiry website.

The scoping survey and the report appear to have been a useful way to provide background information. While one HREOC staff member considered it could have been more focused, the survey served to provide input from the voices of youth across a wide range of backgrounds and living in a variety of circumstances. It also provided a background of quantifiable responses against which the more qualitative and often very specific data, collected through meetings and hearings, could be interpreted (and in some cases contrasted).

## 1. **Collection and analysis of data**

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### *Submissions*

A general announcement of the inquiry was published in *The Australian* in early 1999. HREOC wrote to all relevant Ministers (March 1999) and authorities, as well as key stakeholders, to advise them of the inquiry and its terms of reference, intended procedures and deadlines. The deadline for submissions was 30 September 1999. Some submissions, particularly from government departments, Catholic and other independent education providers and unions, were directly requested. The inquiry received 289 written and e-mailed submissions including one from the government or education department in every State, the Northern Territory and the Commonwealth.

Click [here](#) to view the evidence and submissions index  
[[http://www.humanrights.gov.au/human\\_rights/rural\\_education/index.html#2](http://www.humanrights.gov.au/human_rights/rural_education/index.html#2)]

HREOC publicised the inquiry through newspaper advertisements in the regular press, through selected community newspapers and newsletters, radio and through some less formal networks such as through Aboriginal community groups. Commissioner Sidoti did a considerable number of interviews on radio but the extent to which these publicity mechanisms reached the target groups, and the messages actually conveyed, seems to have been variable. The publicity issue is discussed in more detail in Section 2 of this report.

The major issues raised by the submissions are outlined in Table 1. The largest number (105) discussed the difficulties associated with staffing rural and remote schools,

reflecting the strong influence of school management and authorities in rural and remote Australia on the inquiry process.

**Table 1: Issues raised in written and verbal submissions**

<b>Issues</b>	<b>No of Submissions</b>
1. Staffing in rural and remote schools	105
2. Special education & needs of students with disabilities	82
3. Education costs & financial assistance	81
4. Distance education	73
5. Information technologies	66
6. Indigenous education	62
7. School-related travel	57

**Public Hearings, Informal Meetings and Focus Groups**

The inquiry took evidence at formal public hearings in every State and Territory including every capital city. It also held less formal meetings with parents, students, teachers, other education workers and community members in rural and remote areas in every State and the Northern Territory. Locations visited by the Inquiry are listed in Table 2.

**Table 2: Locations visited by the HREOC inquiry team**

<b>State or Territory</b>	<b>Location</b>
NSW	Bourke, Brewarrina, Walgett, Moree and Sydney
NT	Darwin, Nguiu, Yirrkala & Nhulunbuy, Kalkaringi and Lajamanu
WA	Billiluna, Kununurra, Halls Creek, Fitzroy Crossing, Broome, South Hedland and Perth
SA	Adelaide, Port Lincoln and Wudinna
QLD	Weipa, Boulia, Normanton, Doomadgee, Mt Isa and Brisbane
Tasmania	Devonport, Queenstown and Hobart
Victoria	Bairnsdale and Melbourne
ACT	Canberra

Officers in HREOC, in collaboration with Commissioner Sidoti, were largely responsible for organising the schedule of hearings, public and school meetings. This was done by communicating with key people in each state and using their networks to decide on the location of meetings and venues. The team of HREOC staff made most of the decisions after consultations with state agencies, community groups and individuals.

All public hearings were taped, transcribed and placed on the website. In capital cities Spark and Cannon were engaged to tape the proceedings and provide a transcript. Elsewhere, HREOC staff taped and transcribed the proceedings.

Public meetings and secondary student focus groups were recorded and notes made by the officer responsible for the particular State/Territory. These records were posted on the website. Primary student focus groups were involved in activities, such as drawing posters.

Click [here](#) to view the evidence and submissions index  
[[http://www.humanrights.gov.au/human\\_rights/rural\\_education/index.html#2](http://www.humanrights.gov.au/human_rights/rural_education/index.html#2)]

### ***Analysis of evidence, research and publications***

The first collation of the findings and directions of the inquiry, drawing on evidence, submissions, and staff research (as published in the Briefing Papers) and Commissioners' observations, was the March 2000 publication *Emerging Themes*. This publication identified the inquiry's priorities and set out its interpretation of the human right to education for the first time. It would be against this interpretation that the inquiry would evaluate the information submitted to it and make its recommendations. A draft of *Emerging Themes* was circulated to Co-Commissioners early in 2000 and was one of two documents that formed the basis for discussions at their meeting on 5 March in Canberra. The other was a list of draft recommendations drawn up by inquiry staff with Commissioner Sidoti.

### ***Co-Commissioners' meeting***

Co-Commissioners met together only once, on Sunday 5 March 2000 in Canberra to consider and revise the draft recommendations. Commissioner Sidoti and HREOC staff attended. The recommendations were then revised and refined. Ultimately it was the Commission itself that had responsibility for the final recommendations of the inquiry.

## **1.2 The Inquiry Outputs**

### **Briefing papers**

Briefing papers on six key aspects of the terms of reference were prepared by HREOC staff as the inquiry progressed. Inquiry staff were allocated topic areas to research, review evidence and submissions as received and draft research papers (published as briefing papers), report sections, case studies and recommendations. The briefing papers record research, include extracts from submissions and evidence, and develop the inquiry's understanding and analysis of the topic. The inquiry aimed to publish the briefing papers on its website before the deadline for submissions as an additional source of information for people and organisations in the preparation of their submissions. For the most part this objective was achieved.

They were placed on the website in the following sequence:

1. The Human Right to Education – July 1999

2. Commonwealth income support for students – July 1999; updated October and December 1999
3. Information Technology Infrastructure – early August 1999
4. School Education for Students with Special Needs – early August 1999
5. Career Structures, Allowances and Incentives for Rural and Remote Teachers in Australia – October 1999
6. Indigenous Education – January 2000

Click [here](#) to view the briefing papers index

[[http://www.humanrights.gov.au/human\\_rights/rural\\_education/index.html#3](http://www.humanrights.gov.au/human_rights/rural_education/index.html#3)]

## **Publications**

### *(1) Emerging Themes*

In March 2000 the inquiry published a summary of the evidence and submissions received in *Emerging Themes*

[[http://www.humanrights.gov.au/human\\_rights/rural\\_education/briefing/report/index.html](http://www.humanrights.gov.au/human_rights/rural_education/briefing/report/index.html)]. This publication was widely distributed including, with the assistance of State and Territory Education Departments and many Catholic Education Offices, to most schools in the country.

### *(2) Recommendations*

A report with 73 recommendations (*Recommendations* [[http://www.humanrights.gov.au/human\\_rights/rural\\_education/index.html#5](http://www.humanrights.gov.au/human_rights/rural_education/index.html#5)]) was tabled in the Federal Parliament on 28 June 2000. The report was officially launched at the Society for the Provision of Education in Rural Australia international conference, held in Cairns on 3 July 2000, by Chris Sidoti and Lady Pearl Logan, Co-Commissioner for Queensland.

In Minister Kemp's responding media release, he welcomed the report and said, in part:

The report serves to underline the progress already made by the Federal Government in addressing the educational needs of all Australians and its commitment to ensuring that all families, regardless of where they live, have access to quality opportunities which maximise students' outcomes' (Kemp, 28 June 2000).

It is interesting to note that the report's recommendations indicate that rural and remote families' experiences were contrary to this.

### *(3) Education Access*

The formal report was followed by a case study based description of some of the ways in which Australian children in rural and remote areas are denied equity of access to education (*Education Access*

[[http://www.humanrights.gov.au/human\\_rights/rural\\_education/index.html#5](http://www.humanrights.gov.au/human_rights/rural_education/index.html#5)]). It was

launched at the national conference of the Isolated Children's Parents' Association in Griffith NSW on 3 August 2000.

(4) *School Communities*

A booklet outlining some of the ways in which indigenous adults and others can be more involved in school education delivery and decision-making, *School Communities* [[http://www.humanrights.gov.au/human\\_rights/rural\\_education/index.html#5](http://www.humanrights.gov.au/human_rights/rural_education/index.html#5)], was launched in Broome WA (with Sister Pat Rhatigan, Co-Commissioner for WA, present) at Notre Dame University on 27 July 2000.

(5) *CD*

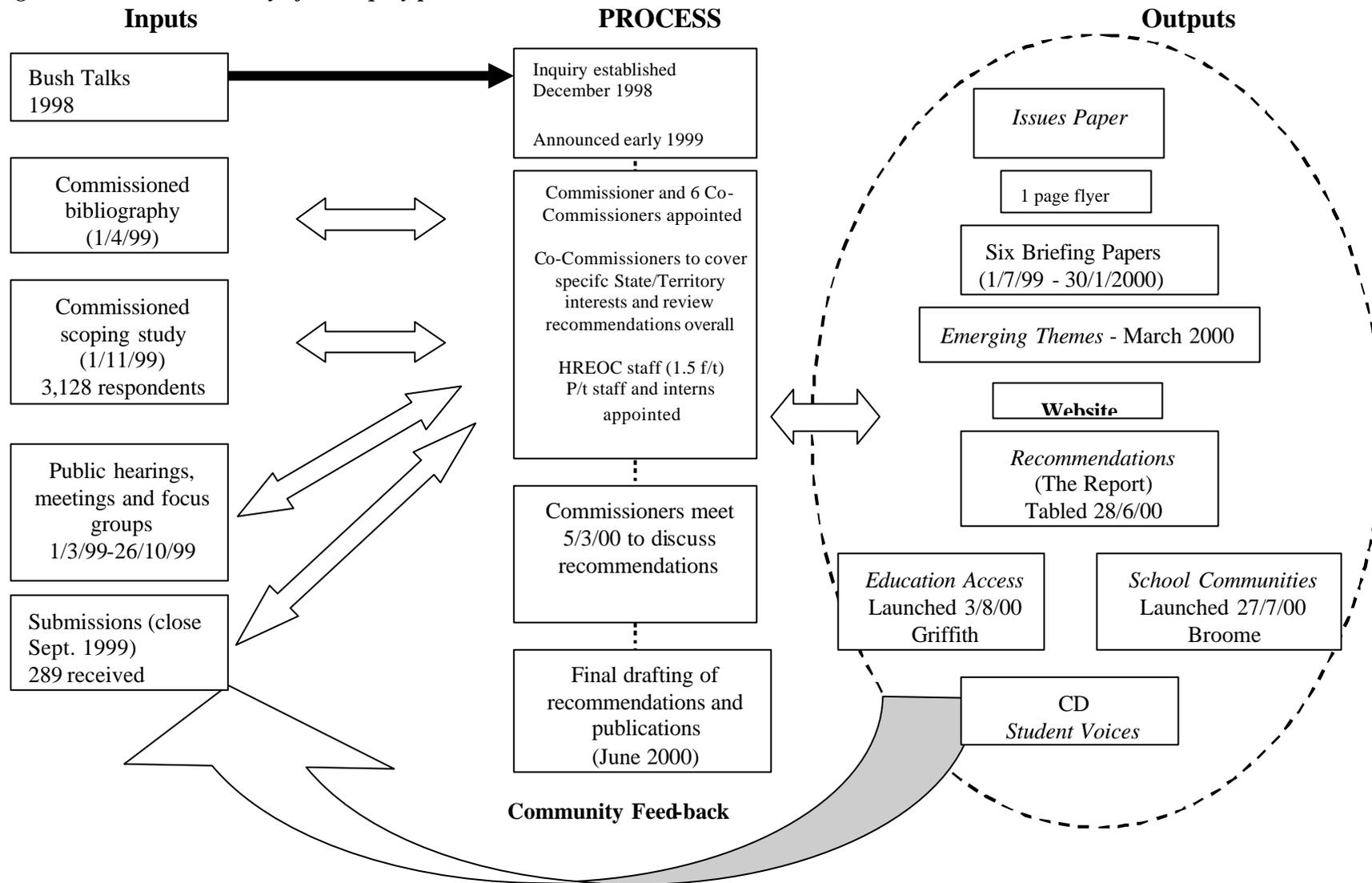
In late 2000, the inquiry produced a short CD for distribution to about 180 schools that had participated in the inquiry. Entitled *Student Voices* it features a number of the students who participated in inquiry focus groups and some commentary from Commissioner Chris Sidoti. (Only 200 of these were made.)

## **Summary**

The range of inputs to the inquiry, the process of carrying out the inquiry and the outputs are summarised in Figure 2. These various activities can be conceptually separated as specific steps toward meeting the objectives of the terms of reference. Each step, therefore, presented the evaluation team with the opportunity to reflect on how effective that step was and, in the light of reflections among HREOC staff and commissioners and informants to the inquiry, how might each stage have contributed more effectively to the overall process. However, it is important to recognise that in practice each step was also part of an ongoing process of information, discussion and analysis, and that each needs to be considered in terms of its relationship to the whole process.



Figure 2: Schematic summary of the inquiry process



## 1.3 Evaluation Research Method

### Approach

The evaluation task required a multi-disciplinary approach to comprehensively capture the major and critical issues in access to education for remote and rural Australians. However, more importantly, it required a multi-faceted approach to data collection. The UOW team consisted of:

- Professor Tim Turpin—specialist in research evaluation, research impact and policy studies;
- Associate Professor Robyn Iredale—specialist in gender, ethnicity, human rights and education research;
- Mr Bill Harrison—specialist in Aboriginal education;
- Dr Christine Fox—specialist in education curriculum and delivery and cultural studies;
- Mr Matt Ngui—specialist in public policy, ethnicity and cross-cultural management.

The evaluation team served as an advisory, planning and analysis team with Matt Ngui acting as research fellow. Professor Tim Turpin assumed overall responsibility for coordination of the project and production of the report. Other members of the team contributed through a series of partnership workshops. They provided specialist advice, methodological guidance and analytical insights throughout the project. All members of the team also participated in some fieldwork in order to gain first hand knowledge of the inquiry process and the issues being raised. Meredith Wilkie from HREOC provided on-going guidance to the team, access to relevant records and community contacts. She also participated in partnership workshops and contributed to on-going discussions concerning the team's analysis and findings.

### Interviews

A total of 76 people who had participated in the 1999 Rural and Remote Education Inquiry were interviewed about the process of the inquiry. The team interviewed 66 people face-to-face and 10 by telephone around Australia. Interview questions were developed and these were slightly modified to suit the specific contribution or participation of the person/s interviewed. The interviews were conducted through visits by the evaluation team in November and December 2001 as set out in Table 3.

These site visits were chosen in order to: (a) collect observations and responses from a range of geographic areas where input to the inquiry had been received; (b) to reflect on specific issues that appeared to be geographically specific (on the basis of submissions to the inquiry); (c) Alice Springs and Boggabilla were chosen because they represented two areas where submissions had been made and where there were strong community organisational structures but had not been visited by the inquiry team.<sup>3</sup>

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3 The evaluation team was aware that because of budget and time constraints many important locations could not be visited. It seemed important to test at least some areas to explore the

**Table 3: Locations visited by the evaluation team**

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State/Territory	Location
NT	Darwin, Alice Springs
WA	Perth, Broome, & Kununurra
Qld	Brisbane, Normanton, Doomadgee, Mt Isa, & Boulia
NSW	Sydney, Moree, Walgett, Boggabilla & Brewarrina

### Steps in the evaluation

#### Step One: Collection of background material

HREOC made all existing information available for the evaluation study. The evaluation team also collected new and *retrospective* opinions of stakeholders and other people involved in carrying out the inquiry. For each step both existing and new information was collected.

#### Step Two: The conceptual component of the inquiry

This step retraced the conceptual development of the inquiry: in retrospect, was the inquiry *process* appropriately designed? Evaluation for this component drew on the background information held by the Commission. It was supplemented with retrospective insights of those involved in establishing the approach to the inquiry. It was also informed by respondent representatives to the inquiry.

#### Step Three: The input component of the inquiry

This step reviewed the information inputs to the inquiry through individuals, documentary evidence and stakeholder submissions. Questions asked were: Who provided input and, in retrospect, who was omitted? Stakeholders and informers to the inquiry provided valuable insights. Other questions included: in retrospect, what steps might have been taken by HREOC to solicit additional information and different perspectives? Were stakeholders satisfied with the approach that was taken? In the views of stakeholder groups was the input sufficient?

#### Step Four: The analysis component of the inquiry

What was the role of stakeholders in the analysis? This was not just a matter of canvassing issues and discussion but more a matter of interpretation of findings. Is it likely that additional input to interpretation would have produced similar observations and recommendations? Retrospective stakeholder analyses explored possibilities of alternative interpretations.

#### Step Five: The output component of the inquiry

Some of the issues to be addressed were: was the output disseminated effectively? Was there sufficient discussion in relation to options proposed? Were stakeholders simply satisfied to have their ‘moment of input’ and leave the outcomes to the ‘process of

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reactions (and expectations) of people who had made submissions but had not necessarily had the opportunity to speak with the commissioners.

inquiry'? Could it have been more inclusive? Answers to these questions were collected from inquiry informants, stakeholder groups and commissioners and staff involved throughout the inquiry.

### **Information gathering**

For the above tasks the project team undertook three distinct types of information gathering:

1. available documentation held by HREOC — submissions, publications, research reports, bibliography were reviewed;
2. information collected through interviews with commissioners and research staff who participated in the inquiry;
3. individual and group interviews with stakeholders, face-to-face interviews with participants in the inquiry in Western Australia, Northern Territory, Queensland and NSW, covering areas where the inquiry held public meetings and hearings. Additional telephone interviews were conducted with respondents in these states and in Victoria and South Australia.

A list of those interviewed is at [Appendix A](#). [Create a link to the Appendix at the end of this doc.](#)

Interview questions focused on the following issues: selection of Commissioners; role of Commissioners in the inquiry; purpose of the inquiry; promotion of the inquiry; input to/process of the inquiry; coverage of issues; commissioned studies; and dissemination of reports and findings. Subsets of issues arose during the course of the interviews. These included: the inquiry concept; perceived audience; perceived follow-up ability of HREOC; preliminary research; processes for input and community participation.

## **2. MAJOR FINDINGS**

The evaluation team's findings are organised in this section under the four headings or steps in the inquiry process. These are:

1. *The conceptual component of the inquiry*
2. *The input component of the inquiry*
3. *The analysis component of the inquiry*
4. *The output component of the inquiry*

As there are distinctly different interests involved in the provision of information from the group of public participants and from Commissioners/HREOC staff, the analysis is separated into two sections (Commissioners/HREOC Staff and Public). This serves to highlight points of agreement and difference in the retrospective analysis of the inquiry. The main impressions and attitudes are presented and, at times, are illustrated with comments from interviewees.

### **2.1 The Conceptual Component**

#### *Commissioners/HREOC staff*

Chris Sidoti considers that the inquiry went well, considering the comparatively small budget and time available to complete the inquiry. This meant that many steps in the process needed to be streamlined. The small budget had an impact on how and what the inquiry could undertake. This included making decisions such as to produce a number of targeted small reports rather than one big report to Government, to restrict the number of hearings, and to balance the location of hearings across areas that would maximise input from the target groups. Essentially the inquiry process struck a balance between holding more formal hearings where the major interest groups and government departments made their case, and a range of more informal meetings to provide forums more conducive to collecting input from community groups such as parents, students and Aboriginal communities.

HREOC staff also noted some weaknesses of the inquiry resulting from the major constraints of a lack of time and money. These factors determined where the inquiry could have hearings, how far the inquiry could explore the identified issues, which people could be employed, how many and for how long, how many papers could be written, and how much scoping and analytical research could be contracted out. Commissioner Sidoti's term with HREOC was due to expire in mid-August 2000 and the publications all had to be produced before that date. Thus, there was considerable pressure to complete the inquiry within a very short timeframe.

The focus of the inquiry presented both a strength and a weakness. Among the most pressing issues and concerns, leading up to and emerging from the inquiry, was the *provision, access* and *quality* of education available to remote Aboriginal communities. However, the terms of reference were wider than this issue alone. Consequently the

inquiry was required to focus on a wide range of issues raised by different stakeholder groups, yet also maintain a sharp focus on what were emerging as the most 'difficult' issues. In retrospect, others in HREOC saw the terms of reference as 'too ambitious' – although 'the full terms of reference were essential to cover the range of interest groups'. But given the lack of resources and time constraints, it was impractical to cover all issues adequately. 'Some issues were too big to handle for a small under-funded inquiry.' The broad range of interest groups involved also carried implications for adequate dissemination of information (and the types of information) through the process of the inquiry and the distribution of appropriate outputs for the communities that contributed to the inquiry.

These constraints made for difficulties at the beginning, as there were high expectations within the Commission and in the community for the inquiry, including external pressures to address communities' issues of concern that lay outside the terms of reference for the inquiry. The Queensland Co-Commissioner, Lady Pearl Logan, expressed the view that the inquiry should have focused on a few issues in each area, and kept to what she referred to as 'the art of the possible'. She also drew attention to the implication of a limited budget noting that being 'financially realistic' might have also resulted in the inquiry having greater impact.

Other weaknesses became apparent through what one person called 'layers and layers of complexity', where local politics influenced who gave information and feedback on local issues. The hearings were further complicated with language communication difficulties for remote Aboriginal communities, for example, where they could only speak in Kriol.

### **Public**

Three major points emerged from community stakeholders: (i) confusion with other inquiries, (ii) the overall role of inquiries and (iii) the content and purpose of this inquiry.

(i) The HREOC inquiry was held around the same time as the Regional Australia Summit, convened by the Deputy Prime Minister, the Hon. John Anderson. There was some confusion among contributors to the HREOC process as to what the relationship was between the two. Other research and public hearings leading to publication of other reports coincided with the HREOC process in various states and nationally added to that confusion, such as *Education - Country Call* (SA), *Country Roads* (WA), *Learning Lessons* (NT), and *Katu Kulpa* and *Time running out* (National).

The Collins Inquiry (*Learning Lessons*) visited 46-48 communities, while focusing only on the NT. There was a general perception that the Collins process was more effective because, although it picked up no new issues, it carried the communities with it.

(ii) The overwhelming initial perception among those interviewed for the HREOC inquiry was, 'Not another inquiry!' One person said: 'I sort of groaned and said here we go again –they will tell us what we already know'. There was a fair amount of scepticism and cynicism. Further, in a remote community in NSW, one participant stated that many

inquiries on similar issues had been conducted in their area and he thought that this was just another one of those 'inquiries without teeth'.

On the other hand, another participant from the same meeting had a more optimistic view in seeing the inquiry as an opportunity to state the case for improving the conditions of remote and rural education. There was quite a widespread perception that, since it was HREOC conducting the inquiry, it was a serious exercise that would put the issues in the political arena. Thus, in spite of 'inquiry fatigue', Aboriginal participants still indicated that this was an opportunity to restate their case, even though, as it has been put, 'the lack of action gets up everyone's nose'.

At the same time, HREOC was seen as coming with a particular perception or 'mind set'. They 'have to be everything to everybody' instead of being able to focus on key issues.

(iii) It was not clear to many participants what the purpose of this inquiry was. Grassroots informants initially didn't see the relationship between human rights and education. However, the inquiry served to strengthen the 'rights-based' community movement. For example, the inquiry served to consolidate the trend away from Aboriginal education as a 'service delivery' problem/issue to one that was now being presented as a basic human right. Thus the inquiry helped to emphasise the profile of human rights as one visible outcome.

The WA Farmers' Federation respondents indicated that input to the inquiry seemed to be directed more at policy makers than parents or users of the services. The Federation reminded us that education is a big issue for farming families because 'they have no choice but to send their children away'. Terms such as 'funding models', and 'cultural appropriateness' in the *Issues Paper* were not seen as phrases that would draw parents in. Farming families needed more detailed information about the inquiry and, according to the Federation, could only comment on aspects affecting them, such as costs to families or social security.

Many contributors to the inquiry mentioned that the issues were already well known. While they welcomed the opportunity to voice their concerns again, several voiced their concern that this was further consultation with little action or outcome. To get participation, it was said, they have to be sure that there will be some results, even small results, or else people think that they are not being heard. The WA Farmers' Federation suggested it would have been better to 'discuss solutions and input to solutions', rather than 'inquire into problems again'. 'People feel they have been inquired into to death'.

An academic informant regarded the linking of Aboriginal education issues under the broader rural and remote access issue as a strong and useful strategic option. This approach may have contributed toward the possible formation of alliances between different interest groups confronting similar issues, but from different experiences and perspectives, although little evidence is available to support this actually happening. Among Aboriginal communities there was a perception of 'inquiry overload'. Many commented that there was no need for another inquiry into the issues, rather there was a

need for action. While these communities understood there were wider issues, they expressed the view that the Aboriginal ‘focus’ of the inquiry could have been dealt with in a different way – one that recognised the issues were well known, and then put them in the broader perspective.

The broad perspective of the inquiry drew a number of positive comments. For example, staff of the WA School of Isolated and Distance Education saw the inquiry as very timely and as a ‘great opportunity [for them] to put material forward, especially in terms of the Telstra trials’. It initiated thinking processes and addressed the needs of many of the schools and families that they cover. They had not covered Aboriginal education previously, but it was brought into focus for them and they are doing more in this area now. Time will tell what impact this has.

On the other hand, many informants saw the breadth of the inquiry as somewhat problematic – merely in terms of capacity to cover so much. Nobody really wanted to prioritise the four major areas (Aborigines, remote white children, children with disabilities and migrants) but, as one person noted, ‘tossing everything in seemed too broadly defined to be of any earthly value’. This gave the impression that there is a commonality of issues, but they are so different. Many issues are not specific to rural and remote education, but occur due to low socio-economic status, Aboriginality, etc. and are just as common in urban areas.

A different perspective was that the inquiry did not adequately reflect some of the positive aspects that remoteness can bring to some Australian students. The personnel at the School of the Air in Mt Isa, for example, stated that children in rural and remote areas experience many positive educational experiences, including one-on-one tuition, close parental/whole family involvement, latest technology and internet access, many interesting speakers involved in their classes (eg. interviews with people in the Antarctic and politicians). The School also organises frequent trips and camps. This group considered that the positive aspects of rural experiences were not highlighted enough generally, although they agreed that the inquiry served to lift HREOC towards a higher profile. These statements probably do not apply to the large percentage of Aboriginal children who are not enrolled in the School of the Air and draw attention to the variation in experiences among different communities.

Another view was that human rights are generally understood, but access to education is the urgent issue and all efforts should go towards trying to change that. From this perspective, a more pragmatic, politically astute purpose may have led to some more positive outcomes.

Comment

The objectives of the inquiry were ambitious, given the complexity of the topic and the limited time and resources available. It was clearly necessary for some difficult operational decisions about how to best utilise the limited time and resources available.

We recognise the inquiry made every effort to identify its unique focus and effort to place educational issues in remote Australia in a human rights perspective. However, this distinction, from other inquiries and approaches to the issues, were appreciated by only a small group of respondents. In future inquiries, HREOC should recognise this and seek to convey this message as strongly as possible.

Many of the most pressing and difficult issues confronting the inquiry concerned the experiences of Aboriginal communities. While it was important to deal adequately with these issues it was also considered important not to obscure the other urgent concerns of other disadvantaged Australians in remote and rural areas. However, the inquiry suffered from the often-mentioned reality that there are too many inquiries and not enough action. Many communities stressed that unless there is some expectation that action will follow, and unless the inquiry's purpose is clearly publicised, there is little practical advantage in conducting the exercise. These observations clearly pointed to some major challenges for the inquiry.

The impact of the approach to keep the inquiry comparatively broad is an issue that should be followed through in more detail in Stage Two of the study and should lead to some valuable conclusions with implications for further inquiries.

## **2.2 The Input Component**

Seven major issues were identified in this component and will be dealt with separately, though they often overlap in reality.

### **2.2.1 Input - Identification of community networks**

#### ***Commissioners/HREOC staff***

This task was left to HREOC staff to identify and select the people, location, institutions and interest groups whose views should be solicited for the inquiry. The general response from HREOC was that State governments were supportive and enthusiastic about the inquiry.

#### ***Public***

People working in schools, government departments and key organisations seemed to be better informed about the inquiry than community people. For example, representatives of the WA School of Isolated and Distance Education said that they received a departmental directive, as well as hearing through the Director of their school. The Isolated Children's Parents' Associations (ICPAs) were also well informed nationally.

One Queensland school noted that when they were contacted they placed an item in the school's newsletter, but generally felt that few people in the community knew about the inquiry. Aboriginal groups such as the Gkuthaard Aboriginal Corporation said they would like to have been involved had they known about it.

Throughout our meetings and discussions it was difficult to find evidence of involvement of migrant communities in the inquiry process. Cultural and linguistic issues were almost exclusively responded to from an Aboriginal perspective. This suggests that the ‘migrant’ networks were not successfully utilised by the inquiry. Mt Isa and the surrounding area is home to quite a large population of Filipinos. Two women from the Filipino community and the Manager of the Community Development Centre in Mt Isa confessed to knowing nothing about the inquiry. While peak national bodies such as the Ethnic Communities Council provide a useful starting point for disseminating information it should not be assumed information will flow through to more grassroots organisations in remote areas.

A similar observation can be made in relation to farming groups. The WA Farmers’ Federation was advised by a fax from the National Farmers’ Federation but claimed to receive very little information on which to base a submission. It was suggested that closer communication between HREOC and State stakeholders, such as the WA Farmers’ Federation, would have been more valuable — rather than through the National Farmers’ Federation.

The same issue emerged at some of the schools visited by the evaluation team. One NSW school principal, for example, indicated that he recalled receiving an invitation to attend a public hearing, but could not recall being fully informed of the process, nor the terms of reference of the inquiry. Neither did he recall having received a summary of recommendations from the inquiry, but he did recall viewing Commissioner Sidoti being interviewed on television about the outcome of the inquiry when it was tabled in Parliament.

Promotion of the inquiry in remote NSW was considered to be inadequate in the sense that few heard of the inquiry prior to its arrival, except through their network of colleagues and friends. The NSW Co-Commissioner Barbara Flick did telephone her network of Aboriginal organisations about the inquiry. This contributed to increased attendance of Aborigines at local public hearings and meetings. A few participants in NSW came to the public hearings with specific issues that they wanted to take up with the Commissioners, only to find that the terms of reference were much broader than they had expected.

Many remote small communities in NSW suffer from poor local communication networks, as some towns do not have radio stations in their immediate region and limited newspaper circulation. In one remote town, the venue and time of the public hearing was changed at short notice when the inquiry team had to make a lengthy detour around flooded roads, making it difficult for participants who lived out of town to find the new location of the hearing.<sup>4</sup> In addition, the time of the hearing (during working hours) made it extremely difficult for teachers and other employed people to get to town. These local arrangements had an impact on the type and number of participants at public hearings and informal meetings. To compound the communication issue in remote communities, many

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4 In spite of the delay and venue change, this hearing and public meeting was one of the best attended in north-west NSW.

parents in Aboriginal and migrant communities are illiterate and promotion by the written word was deemed to be inappropriate. Informants from north-west NSW including Brewarrina, Moree and Walgett noted that there was a high rate of illiteracy among older Aboriginal people. According to these informants these people had no understanding of the purpose, terms of reference and meaning of the inquiry.

A researcher toured all four NSW towns the week before the inquiry attended to check venues, brief potential participants and request local contacts to encourage their networks to attend. A second HREOC researcher undertook a similar trip in advance of the inquiry's visit to South Australia and a local researcher with ties to the Aboriginal community was commissioned to assist the inquiry in this way in the East Kimberley. So the inquiry did put considerable effort into word of mouth processes. Extracts from the meetings drew attention to the presence of older Aboriginal people at some of the inquiry meetings. Yet in spite of these efforts respondents reporting to the evaluation team still reported that older Aboriginal people had limited understanding of the inquiry process and that few attended.

Comment

While HREOC appears to have put considerable effort into promoting word of mouth information to encourage input from Aboriginal communities, it appears that, in retrospect, more effort is needed to overcome perceived limited access to information among Aboriginal communities.

Although the Commission made considerable use of peak bodies (community and education) to disseminate information and solicit responses it is clear that this approach must be complemented with a bottom-up grass-roots approach. It appears that attempts to draw responses from migrant communities simply through peak bodies and public advertisements were not very effective.

The inquiry was broad ranging in terms of the target groups identified and the issues involved. However, there was a challenge for HREOC to convey the message that it could not specifically act on behalf of the target groups - although it could raise the profile of these issues. HREOC appears to have been well aware of this challenge but should continue to seek every effort to clarify its role. Perhaps in the future posters or videos clips could be used to better convey the appropriate message.

The use by the inquiry of a website address, and the 1300 telephone number, did not prove effective for some locations. In at least one remote community in NSW, a poor telephone communication system and the consequent lack of access to internet services made these options for gaining information about the inquiry ineffective. Thus somewhat ironically, the depth of the problem associated with IT issues in rural Australia and emphasised by the inquiry, also served to limit input to the inquiry.

Comment

The significance of the IT issue and the urgent need for an adequate national response was a strong crosscutting issue for all target groups. An important task for Stage Two of the present project will be to investigate any subsequent IT policy response and its impact on the different target groups.

### **2.2.2 Input - Background research**

#### ***Commissioners/HREOC staff***

Commissioner Chris Sidoti would have liked to have had more money to allocate to commissioned research on young migrant communities and disabled people in remote and rural areas, and better mechanisms for reporting back directly to the communities, apart from Parliament and a press release. A larger budget could have allowed the Commission to recruit more experienced staff for operating in the field, with particular expertise and experience in the main areas of concern of the inquiry.

According to some HREOC staff, internal resources and expertise could have been better utilised and shared. In-house expertise was sometimes not used due to strict deadlines even though HREOC staff had the necessary expertise. The arrival of new staff and various internal staff changes in HREOC sometimes interrupted the flow of communication and the overall understanding of the inquiry's goals.

There were some staff changes through the life of the inquiry that involved interns. While the allocation of interns to inquiries is an important and valuable experience for interns, the issue of supervision needs to be considered. With a small team, limited resources and tight deadlines, it is important to consider whether the supervisory demands under these circumstances outweigh the advantage of internships.

#### **Comment**

In future inquiries with similarly limited resources, the allocation of interns as members of the team should be considered with caution because of the additional supervisory demands placed on a small and pressed team.

#### ***Public***

In some cases, particularly among Aboriginal communities, people commented that the *Issues Paper* captured the majority of issues but the document was inaccessible to many communities. A targeted summary version might have been more useful for soliciting input from Aboriginal communities. However, as noted in the preceding section, the *Issues Paper* was a brief document (6 pages). There was also a one-page 'flyer' distributed among meeting participants.

In Moree, Walgett and Brewarrina in NSW, some parents of Aboriginal school students complained that 'the commissioned studies' were useless, because they had no input into them. These were interesting comments from two perspectives. These comments illustrate

the sensitivity within communities about lack of 'involvement' in processes such as national inquiries. Although there were opportunities for these people to contribute to the commissioned study (through the survey or through submissions), there was an implicit assumption on their part that their impact was not solicited. This observation reflects a broader historical problem of exclusion from government processes and reinforces the need to find the most appropriate mechanisms for drawing Aboriginal input into national inquiries.

#### Comment

There is an important lesson to be drawn from these comments made to the evaluation team. That is, these respondents clearly felt they did not have sufficient opportunity to contribute to the process. There may have been something to gain by seeking a greater level of input at an earlier stage of the inquiry. In practice this might not have been a workable option – even leaving aside the time and financial constraints. However, some community involvement in the conceptual part of the inquiry may have ensured a greater sense of community 'ownership', created more realistic expectations, and contributed to more fulsome input through the inquiry.

### **2.2.3 Input - Selection of Co-Commissioners**

#### *Commissioners/HREOC staff*

No special process was adopted for the input component, as it was expected to be a process evolving through establishing a list of suitable experts and people from the relevant communities, through discussion with professional, institutional and community networks. It involved seeking names, talking to potential Co-Commissioners and looking at their personal and professional or community experience and knowledge. It was a case of using the judgments of a group of people to select the appropriate individuals with experience and education, good reputation in the relevant communities, knowledge of the issues encompassed by the terms of reference and their availability and suitability for the traveling and reporting tasks at hand. HREOC was keen to have in the group of Co-Commissioners a cross-section of expertise, public education sector and private education sector experience, youth and age, gender and ethnicity.

There was some variation in the ways Co-Commissioners were used throughout the inquiry. For example, the NT Co-Commissioner, Associate Professor Brian Devlin, was very much involved in setting the locations and site visits for the HREOC team, while the WA Co-Commissioner, Sister Pat Rhatigan was not apparently involved in the same way. The NSW Co-Commissioner, Ms Barbara Flick's role in the hearings included preparing for hearings as well as interpreting (linguistically as well as for extracting meaning) at hearings and meetings. Tim Roberts (a young person who had served on the Prime Minister's Youth Round Table) was involved as a panel member in the formal hearing in Melbourne and the informal meetings in Bairnsdale. His main role seems to have been to attend these meetings and he commented that he felt 'very much part of the inquiry'. The Queensland Co-Commissioner, Lady Pearl Logan, noted she had anticipated a greater

input into advising the inquiry on locations to visit in Queensland and that, had she been more involved in 'the process', she would have ensured that more people attended and participated in meetings.

HREOC staff on the other hand generally thought that the Co-Commissioners worked extremely well as a group and commented that it 'was a genius in diversity'. Further, it is believed that, given the limitations of the inquiry, the 'outputs from the people involved were incredible'.

Comment

The different perspectives, in retrospect, suggest that no matter how carefully contracts or agreements are crafted there is still a need for careful articulation and explanation of Co-Commissioners' role in similar reviews. In retrospect it appears that a preliminary meeting might have facilitated more valuable input from Co-Commissioners and drawn more usefully on their experience. But most importantly it could have served to clarify roles and expectations more effectively.

**Public**

There was general consensus that the key Commissioner, Mr Chris Sidoti, led a sensitive and necessary inquiry that dealt with some very important issues. However, the high profile of the inquiry on the key Commissioner enhanced political differences between HREOC and some of the state departments as well as the Commonwealth. This may have served to weaken the potential impact of the inquiry.

There was a perception and an expectation in Central Australia (at least) that Ms Barbara Flick was to have been a full-time Commissioner, along with Mr Sidoti. There was some disappointment that this did not occur and, in fact, no Aboriginal Co-Commissioner was engaged for input across all states. In areas such as the Kimberleys and NT this made it difficult to solicit Aboriginal input. It may also have sent a message to Aboriginal communities that their concerns were not being taken seriously.

Comment

This presented a difficult challenge for HREOC. On the one hand they were concerned to ensure the extensive educational issues faced by Aborigines were presented in the broader human rights context and not simply as Aboriginal issues. Appointing a full-time Aboriginal Commissioner may have been counterproductive in this context. On the other hand, not appointing a full-time Aboriginal Commissioner drew perceptions that Aboriginal issues were not being taken sufficiently seriously. Looking at the process in retrospect and taking into account the level of Aboriginal input received and the focus of recommendations, it appears that the Commission's approach worked reasonably well. Although this is not to say that some approaches in getting to the heart of Aboriginal concerns (as discussed elsewhere in this report) could not have been improved.

#### **2.2.4 Input - 'Hierarchy' of meetings**

##### ***Commissioners/HREOC staff***

The inquiry had to generate a mix of formal and informal meetings as much as possible to cater to the needs and expectations of a range of community groups, institutional representatives and other interest groups. In retrospect, informants from HREOC and the public expressed concern about what they perceived as a 'hierarchy' of meetings, with the more formal meetings taking on greater significance than the less formal meetings in communities. While the inquiry attempted to move around the remote communities, it was limited to where physical accommodation was available.

Ms Flick said that the process involved a good mix of formal and informal avenues through which to make submissions to the inquiry. However, she too drew attention to weaknesses in the inquiry through a lack of funds. In her view the result was that many people in rural and remote regions 'missed out' as did migrants and disabled people in those areas. She added that she was glad to be part of the inquiry, as an Aboriginal person.

##### ***Public***

In WA it was noted that there are 99 telecentres, set up by Shires that are regularly used for community purposes. The feeling was that these could have been used, at the government's expense, to enable families to contribute. It was considered by some participants that this should have worked well, as parents are very passionate about education and want to contribute their views, but they generally will not write a submission. They do not know what to write in such a process and they commented that they expected to be 'intimidated by HREOC'.

Working through schools, although obviously an important approach, was not without problems. In one remote town in Queensland, for example, it appears that HREOC made direct contact with the school principal and two meetings were set up with school children (at the school) and teachers/teacher aides (but the three who were there at that time have no memory of it and feel sure they did not attend). It is not clear which meeting some parents attended as they say they went to the Shire Hall, but there appears to be no record of this on the website.

The principal was reported to have selected the children (no Aborigines) to meet with the inquiry. According to some informants, only 'whites' (referred to by some as 'the Golden Circle') were invited to the Shire Hall meeting and about 12 people attended. Some station parents were unhappy with the small attendance and said that parents were not contacted appropriately. They said that the best way of informing parents is by word-of-mouth, well in advance, so that they have time to plan and make adequate preparations for the work they leave behind. There is also a need to get someone to ring people up the day before and remind them. Using local organisations, such as the CWA, school, or sporting organisations, is the best way of getting the message out. Also people did not know what the inquiry was about, and they came along to lobby about the absence of power supply to

their properties and the impact on education.<sup>5</sup> Thus it seems that on some occasions quite specific local issues dominated discussion. The demand to respond to the specific local issues while maintaining a national focus was clearly presented as a challenge for the inquiry. Even though many parents were present when the review team visited (attending a School of the Air residential session in town) most did not feel it would be worthwhile to come and talk to the team.

In another case, a representative from the Aboriginal Family Support Centre only discovered that a meeting had been arranged on the morning of the meeting and contacted HREOC staff and insisted they come to their Centre, as the staff had not been invited to the open meeting. She made it known to HREOC 'that she was not happy' and she was convinced that only a sanitised version of the situation would be put at the other meetings. She also said that they needed to be given two months notice, with papers sent out well in advance of the visit because the Centre uses such exercises as an opportunity to educate parents about issues and processes. Commissioner Sidoti initially told the audience that he would stay a short time, but he ended up talking to a group of Aboriginal parents for two hours or more. The meeting was seen as very valuable by the parents, as their views and experiences were listened to and they were given information about how to withdraw children from the local school (dispensation) and enrol them in the Mt Isa School of the Air.

It was also pointed out to the evaluation team that the school meeting in this town did not include the teacher aides. It appears that their input was not sought and perhaps there was some attempt to control the input to the inquiry - 'perhaps by the principal'. It was suggested that the school was experiencing some difficulties at this time and there were several administrative changes immediately after the inquiry came through.

At another school it was complained that the process was too rushed and many people commented on the brevity of the stay. The half-hour meeting that was held left the staff feeling as though they could not have covered all the issues that they wanted to raise, nor have a good discussion. They 'did not get out to see what was going on'. Some people said they were also told by the principal not to say anything.

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5 This experience became one of the case studies illustrating inadequate access to education in the inquiry's publication *Education Access*.

### Comment

These sorts of comments underscore the realities of community divisions that surface in events such as a national inquiry. The lesson for future inquiries is to keep these issues in perspective but seek to ‘unpack’ the underlying issues they represent. Utilising schools to organise meetings and disseminate information is clearly a sensible approach, however, a combination of community organised meetings as well as formal school structures can serve to balance the different social perspectives.

The *Bush Talks* were viewed by many as a more suitable way of collecting input from Aboriginal communities than through the hearings and submissions process. Ex-Senator Bob Collins commented that, ‘the flying in and flying out mentality is useless. It’s better to go to one place and stay all day, or not do it’. According to HREOC staff, the fact that *Bush Talks* had been held quite extensively in ‘The Centre’ and provided input to the conceptual development of the inquiry, there was little need to hold further meetings in the Alice Springs region. However, informants at Alice Springs complained that because the region is a focal point for Central Australian Aboriginal community groups it was a mistake not to come to the Centre.

There was some concern expressed from Aboriginal community respondents about the lack of consultation in Central Australia. Respondents argued there were different issues in Central Australia and that this was the base for many Aboriginal managed organisations. In spite of the *Bush Talks* held earlier (1998), there seemed little knowledge of the inquiry, few had seen the reports, and it seemed that the Centre-based organisations were not sufficiently valued. Even high profile community leaders had little recollection of the inquiry except that they had not been consulted. Apparently Co-Commissioner Barbara Flick had advised Central Australian people about the inquiry but scant other information was known except through these more informal networks. Some of those interviewed proposed that a better way to inform people in communities is to utilise existing health or service workers. Aboriginal communities have a long-standing relationship with these people and the communities trust those workers. They can be used to disseminate information, as well as collect information on behalf of inquiries. Dr Bob Boughton (NT) spent time soliciting submissions in Alice Springs but this was an informal process and did not result in much input.

Those in Central Australia believe that not going to Alice Springs meant that lack of access to appropriate secondary education was not sufficiently highlighted. However, the *Bush Talks* were considered to be one of the major inputs to the inquiry (from the point of view of HREOC). It was not clear to some people how this process worked. If a prior community consultation process, such as the *Bush Talks* were to provide input to a future inquiry, it would be helpful to include a summary document about this contribution prior to hearings or public meetings.<sup>6</sup>

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<sup>6</sup> During *Bush Talks* in 1998 HREOC was consulting partly to assist in determining what should be the topic of an inquiry in 1999. This was articulated as one of the *Bush Talks* objectives – that it would influence Chris Sidoti’s work in 1999 and 2000.

### Comment

The point here is not whether the *Bush Talks* did or did not sufficiently canvass the issues relevant to the inquiry or even set an agenda *for* the inquiry. It is more a matter of *explaining* to communities how the process has emerged and progressed and how their input has been important.

In one area of NSW, parents were of the view that the Commissioners could not have obtained a full picture of what was going on in the schools, unless they visited them and gained first hand experience. In addition, it would have been valuable for Commissioners to visit remote and rural families in their home environment, in order to understand fully the total complexities involved in educating their children.

Also, it was expressed that, with Aborigines, you have to establish yourself first before getting their input. Mt Isa school district, which covers Normanton, Mornington Island, Doomadgee and many other areas, emphasised the importance of gaining Aboriginal people's trust first.

One informant in NSW suggested that a local person could have been appointed to investigate the needs of the local community and report to the inquiry. Another participant suggested a similar idea and added that this local person could have formed a committee to canvass all the views from the community. Others had reservations about such an idea because they were concerned that this approach might over-emphasise 'personal or specific interest group agendas'.

In the remote communities in NSW, it became clear that the *Issues Paper* was not received prior to the visits by many of those who wanted to participate in the inquiry.

#### **2.2.5 Input - Style of meetings**

##### ***Commissioners/HREOC staff***

People from the community could have been better briefed, e.g. more community discussions, debate and public comments on the issues of the inquiry, according to one HREOC staff member.

The NT Co-Commissioner, Brian Devlin responded to a comment that, from his point of view, he thought (in retrospect) that he was too confrontational with witnesses. He suggested that if he were to go through the process again, he would have adopted a more conciliatory position.

##### ***Public***

The point that the process was more appropriate for professional workers in the field was made constantly. Some thought that public meetings give people an opportunity to voice

their opinions, but this must be contrasted against the view of some informants that 'public meetings don't work!' The concern of this latter group was that many 'average people do not feel comfortable expressing personal, private and often strong views' in this context. As one respondent to the inquiry commented to the evaluation team: 'It's okay for educated people, but not for the real people'.

However, given the limitations of the process and the formality of the inquiry, participants recalled feeling comfortable and at ease once they were involved. This seems to be due to the sensitivity of those running the meetings and hearings, and was a message repeated constantly.

Comment

The above comments suggest that formal meetings, whatever the style, will provide an appropriate forum for discussion for some people but a rather foreign forum for others. Inquiries need to remain sensitive to such differences and recognise their potential for reflecting community divisions rather than different perspectives on common issues.

Hearings and meetings may be dominated by a few voices that do not necessarily represent the views of the majority. Many people said that public meetings do not project the views of most and that 'they are dominated by people with strong views'. One instance was given where a principal's comment struck a response from the inquiry while there was little support from the community for the principal's point of view. This was a common comment in Queensland.

In remote NSW, a comment was also made about the appropriateness of public hearings as a method of receiving information from diverse communities. For instance, although the Commissioners had designated terms of reference, local participants came to the hearings and meetings with their own local agendas. They also said that the more forceful speakers tended to dominate the hearings at the expense of those with less experience at public speaking, particularly Aboriginal participants.

Comment

Perhaps the issue at stake here is: whose interests are represented by those who make the inputs to public meetings. It is inevitable that many people will find it difficult to articulate their concerns in public while others will dominate the discussion. Providing the interests of all are adequately represented it is perhaps of less concern who actually makes the representation. The task for an inquiry is to ensure that all interests are represented. The obvious lesson is that public meetings are limited in what they can be expected to achieve, yet remain an important forum for raising and discussing issues - within the broader process.

In NSW, one principal indicated that he felt defensive when he was invited to participate in a public hearing. He believed he had to defend the ethos of the school in positively discriminating in favour of students and parents who desired an education with a Christian

philosophy. He was not fully briefed on the terms of reference, or on the process of the inquiry prior to his attendance at the hearing. Due to his defensive stance, he said he was disappointed when he found that the inquiry was actually supposed to be focused on the issues of access, quality, technology and affordability of remote and rural education. This suggests a two-fold challenge for inquiries. On the one hand there is a challenge to restrict evidence to the specific terms of reference. Yet on the other hand it is also incumbent on the Commissioners to ensure they too do not stray too far from the specific terms of reference.

#### Comment

This case raises two important points. The first concerns whether the terms of reference were made sufficiently clear to hearing informants. The second concerns whether the Commissioners actually stayed within their terms of reference throughout the hearings. The points made above, and the transcript from the meeting<sup>7</sup> concerned suggest there may have been some problems in both cases.

As noted above (in section 2.2.4), a few participants in NSW came to the public hearings with specific issues that they wanted to take up with the Commissioners, only to find that the terms of reference were much broader than they had expected. These people reported that the terms of reference of the inquiry were too general and not inclusive of their particular issues.

The review team suspects there was some anxiety that HREOC would take some action in relation to particular schools. One participant mentioned that there was enough evidence of racism in one school, poor treatment of children and so on, to warrant a complaint but nobody was willing to take such action.

An Aboriginal participant commented that they had no idea that the hearings would be such a formal process, 'such as with a judge and all'. They were very nervous and wanted to walk out. In Brewarrina, NSW, some Aboriginal parents' comments supported this by saying that the public hearing was held in a comfortable venue but, the way the furniture was set out made it feel like 'going to Court'. This intimidated some community members in expressing their views. It was stated that 'a formal full-on 'white-fella' thing makes us very nervous'. Aboriginal input might have been more effectively solicited through a different format. Face-to-face group meetings were considered to be the only effective way to get input from Aborigines and their respective organisations, and in their own settings and environment, where they feel comfortable. Some Brewarrina Aboriginal parents complained that they do not go to public meetings or hearings to express their views. In addition, an Aboriginal parent in Brewarrina said they had no prior knowledge that the proceedings were to be electronically recorded, which made them quite nervous. This may have hindered their input. However, these comments need to be contrasted with the reality that many Aboriginal people did express their views and on one occasion the public meeting was chaired by a local Aboriginal shire councillor.

7 Moree hearing transcripts.

#### Comment

HREOC anticipated the need to include a range of approaches for collecting submissions. This is why it was decided to hold a combination of public meetings and student focus groups, as well as public hearings, as well as some specific meetings with Aboriginal women (Kununurra) and meetings with just Aboriginal teachers' aides (Moree) or just Aboriginal community members. However, the point to note is that participants in one forum are likely to perceive their experience as the *only* input and consequently feel generally concerned that it is not sufficient. This suggests the need to continually reinforce the *range* of inputs to the inquiry overall. No doubt the inquiry team endeavoured to do that, but it appears there is a strong need to reinforce the point that individuals and community groups have a range of options for providing additional input.

One participant, although unaware of the process of the inquiry, observed that the hearing actually raised interest about, and awareness of, educational needs and issues within the community. At the hearing, the same person also became aware of the diversity of cultures, background and special needs of the disabled in the community.

In one remote NSW community, one parent representative remarked that the principal and two non-Aboriginal teachers attended the hearing as school representatives, excluding and subtly discouraging Aboriginal staff at the school from participating.

In addition, comments were made that public hearings tended to be dominated by public officials. Some of these are perceived as having vested interests in providing a glossy picture of their 'patch' and wanting to defend their territory from criticism. One participant suggested that this could also reflect a fear that they were 'under the microscope' of HREOC and lead to some manipulation of local information for political advantage.

#### **2.2.6 Input - Use of Aboriginal and other facilitators and interpreters**

##### ***Commissioners/HREOC staff***

Again, the limited budget restricted the possibility of employing facilitators or interpreters specifically for input from Aborigines, migrants and people with disabilities. If the budget had allowed it, these aides could have been employed to assist in the process. However, in some way, the Co-Commissioners selected from each state and territory partially took on the role of facilitators. For instance, the NSW Co-Commissioner, Barbara Flick, then manager of one of the HREOC policy units, used her knowledge, background and networks in the communities across Australia to generate interest and feedback to the inquiry. The NT Co-Commissioner, Brian Devlin also used his linguistic skills to act as an interpreter in the NT.

##### ***Public***

‘Interpreters are needed for this sort of exercise otherwise no point in doing this’ was a comment made in respect of the meeting held in Billiluna, WA. The meeting was seen by the Co-Commissioner for WA as generally a waste of time – except that it was a learning experience for HREOC.

### **2.2.7 Input - Coverage of the issues**

#### ***Commissioners/HREOC staff***

The terms of reference for the inquiry provided a broad ranging target. Yet it was anticipated from the start that Aboriginal issues would present some of the most difficult issues and would be likely to dominate the broad concerns. In practice, therefore, it was not surprising that there was a strong focus on Aboriginal issues in the inputs and the outputs. A question remaining is whether this served to minimise the issues faced by other cultural or linguistic minorities such as migrants from non-English speaking backgrounds. This is not to suggest that Aboriginal educational issues were over-emphasised but rather to draw attention to the fact that reference to migrant communities in both inputs and outputs was minimal.

One issue that confronted all communities appeared to be the IT issue. The NT Co-Commissioner, Brian Devlin, for example, noted that the IT services to remote Central Australia were also significant issues elsewhere. The inquiry had served to identify the important IT issues for remote Australia. While grassroots Aboriginal organisations were grappling with fundamental disadvantage across a whole range of issues, others raised the broader issue of availability of IT as a long-term problem that needed attention.

#### ***Public***

Several people commented that the HREOC inquiry covered the important issues. Dr Bob Boughton (NT) noted that the *Issues Paper* was a good piece of work and showed good coverage. Commenting on the output of the inquiry more generally, he noted that this was the first time that many people would have seen the issues presented from a human rights perspective. Nevertheless, it did not include the UN Draft Declaration or the ILO Convention on the rights of indigenous people.<sup>8</sup>

Some were of the opinion that the Senate inquiry (*Katu Kalpa* 1999) dealt more fully with the remote and rural issues. Nevertheless, the HREOC inquiry helped to raise the profile of the issues and put ‘rural and remote issues on the agenda’. People ‘have been encouraged to ask the hard questions’, was the comment of Alan Bailee, Superintendent Mt Isa District, who is ‘working at the coalface’. Even though the reports cover what everyone already knew, they give ‘leverage to the issues’. But ‘no new issues were

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8 HREOC can only inquire into ‘human rights’ as defined in its authorising legislation. ILO Convention 169, *Convention concerning Indigenous and Tribal Peoples in Independent Countries*, has not been ratified by Australia and therefore does not define human rights in Australia. The UN *Draft Declaration on the Rights of Indigenous Peoples* is still in draft form.

unearthed'. 'Most issues were well known. – I could have written the recommendations without the inquiry', was one comment.

The lack of participation in the inquiry by children with special needs and their parents and non-English speaking migrant communities suggests that the *Issues Paper* did not persuade them to be involved. The disability groups contacted in Mt Isa and Tasmania expressed the view that they did not gain the impression that the inquiry was primarily about their particular concerns, although they were within the scope of the inquiry. They had not attached any significance to the inquiry beyond providing a general response or a submission on a specific local issue. The groups have mainly a service provision perspective and have little time to focus on human rights issues.

Similarly there was little input from migrant groups to the inquiry. The evaluation team contacted one peak body but the response was one of disinterest. They were not aware that the inquiry had already occurred. The scope of the inquiry was too broad to attract attention.

#### Comment

The seven factors identified as major issues concerning the input component of the inquiry reflect the difficulties of obtaining representative views from heterogeneous communities. These are not unique to this inquiry. More attention needs to be paid to the communication difficulties in remote and rural communities, so that local networks and informal communication mechanisms can be used to greater effect. The small budget perhaps prevented more communication with Aboriginal communities, but the perception that there was a 'hierarchy' of forums was detrimental to the inquiry's image. On the other hand, HREOC steered a successful path in dealing sensitively with what was seen to be a very necessary and important inquiry.

The nature of some meetings was very formal, which discouraged many individuals from speaking out. Many Aboriginal communities were disenchanted with the process, and were also disappointed that there was no full-time Aboriginal Commissioner and that Aboriginal interpreters were not used in many instances.

For future inquiries it is important to avoid the perception that these exercises are simply a matter of 'a white mob flying in and out' while everything remains the same. It also appears to have been a mistake not to hold some hearings/meetings/visits in Central Australia. This is not to say that hearings should be held *everywhere* but simply to recognise the significance of Central Australia as an organisational base for many remote communities whose experiences are rather different from those at the 'Top End'.

## 2.3 The Analysis Component

As indicated above, inquiry staff took responsibility for sub-topics of the terms of reference: Indigenous education, staffing, information technology, students with disabilities, provision and accessibility, human rights law. A decision was taken early in the course of the inquiry to prepare separate publications and only a short tabling report — setting out findings and recommendations without a detailed description and analysis.

The evaluation and research processes culminated in the *Briefing Papers* published on the website. The draft recommendations reviewed at the Co-Commissioners' meeting and the final findings and recommendations were published in *Recommendations*. The two descriptive publications were drafted in the same way with each staff member selecting and drafting one or more suitable case studies within his or her topic area for the publication *Education Access* and the quasi-case study publication *School Communities*. Thus the case study publications are the descriptive and evaluative companion publications to the report *Recommendations*.

### *Commissioners/HREOC staff*

The WA and NT Co-Commissioners pointed out they had no involvement in writing the reports or in work-shopping a draft. The Co-Commissioners were asked by HREOC to comment on draft recommendations but comments were sent in separately and they did not see other Co-Commissioners' comments. Lady Pearl Logan stated that all Co-Commissioners should have met and prioritised recommendations once draft recommendations were prepared. She suggested that perhaps Co-Commissioners could have been used more effectively under this process.

The one-day workshop, held 5 March 2000, however, provided an opportunity for all Co-Commissioners to discuss the overall findings. The public forums held in Canberra on 6 March 2000, where Co-Commissioners presented their findings from their states/territories to departmental and NGO stakeholders, were generally viewed as valuable and served to pave the way for future potential impact. This was a good opportunity for Co-Commissioners to recognise some common issues across states that were otherwise very diverse. It was particularly valuable in drawing attention to the Information Technology (IT) issues for rural and remote education. The inquiry coincided with the Telstra 'debate' (privatisation and broad band implementation). The NT Co-Commissioner, Brian Devlin, noted that he 'was sure the Canberra forums had some impact on the Telstra privatisation issue in relation to maintaining adequate rural/regional services'. Another view was that these forums consisted too much of education officials 'blowing their own trumpets' about what they were doing and not enough of the Commissioners' views.

### *Public*

In the view of some people, not enough research was done to check statements that were made at hearings and meetings and, according to some respondents many comments were

taken as fact. Some argued that the notion that Aboriginal children were excluded from certain schools was accepted by HREOC uncritically. According to these informants the parents had chosen separate education for their children. Their point was that more background research was necessary for HREOC to provide a balanced inquiry report.

For example, some people at one school noted that the *Emerging Issues* report contained comments that were not a true reflection of the situation at that school. 'If someone read this they may think, "Oh God, look at this place!"' The response was that a letter on behalf of the school community should be sent to HREOC indicating their displeasure. The feeling was that if the inquiry team had stayed longer and become fully informed about what was happening in the school they would not have included some of the comments or 'had their own agenda'. On the other hand, 'done their homework well', was the view of the Aborigines at the school. They believed that the Commission presented a balanced and empathetic view of opinions from the community.

Mt Isa School of the Air gave three examples — costs of travel for their students, provision of computers, use of High Frequency radio — where some people's comments were quoted without being checked. From their perspective they 'were too anecdotally based' with 'no tempering of the information', or correction for accuracy, or putting the full facts. It was suggested by these respondents that lack of basic research and rigour diminished the credibility of the findings.

#### Comments

The different perspectives possibly reflect typical divisions between the interests and experiences of Aborigines and non-Aborigines in many rural country towns more than the level of HREOC research. Perhaps one way of dealing with these sorts of divisions might be to involve some of the stakeholders in the analytical process.

However, the involvement of stakeholders in the analysis of the data is a difficult, potentially costly and time-consuming process. It also potentially compromises HREOC's objectivity and independence. Nevertheless, Co-Commissioners could have been more actively involved and draft recommendations could have been work-shopped with both Co-Commissioners and focus groups. HREOC's time and budget constraints, however, limited the opportunities for this involvement.

## 2.4 The Output Component

### *Commissioners/HREOC staff*

According to the NSW Co-Commissioner, Ms Barbara Flick, the output aspect of the inquiry went well. She considered that there was good discussion in the community and that the Co-Commissioners related well to the children in schools. She also said that the observations of children gave a good picture of what was happening in the towns and schools, for example, racism in Moree (NSW). People were keen to talk, as was evident in her visit to Walgett (NSW).

The Queensland Co-Commissioner, Lady Pearl Logan, said that the report recommendations were very general in perspectives and that issues fell disparately within State and Territory jurisdictions. In her view funding constraints limited the inquiry's ability to communicate all recommendations to everyone who was involved in the process of the inquiry. She also made the point that final reports were not accessible to all, particularly in some sections of the community. Another point she raised was that organised follow-up of identified issues and recommendations is always an issue in itself, due to bureaucratic boundaries, but some follow-up strategies could have been more structured and systematic.

### *Public*

The inquiry's publications were almost unanimously regarded as an excellent way to present the findings; that is, as smaller documents. The fact that they also pointed to good examples was seen as a good strategy. The publications were considered by those working in educational training to be valuable teaching resources. 'There is almost nothing around that puts Aboriginal education into a human rights perspective - these reports are valuable for that'.

Most people considered it valuable to have publications that reflect people's actual words. This puts material in a different framework that communities can use to improve their access and mobilise themselves around a rights-based focus. 'Rights are only as good as the movement that asserts them'. Because the publications were located in a legal context and related to international conventions they were perceived by people involved in remote education as providing solid backing for future arguments, such as on resourcing levels. Reports were therefore valuable for providing the basis for follow-up work — especially in the NT, where a comment was made that the Territory had an 'historical lack of transparency'.

The *Emerging Themes* document, however, pays little attention to the issues of non-English speaking students in remote and rural areas while the *Education Access* document integrates immigrant issues into a general section on language and culture. Most of this section is devoted to Aboriginal issues with only one quote about immigrant children not being provided with English education in school. One significant criticism was that the

report *Recommendations* tried to cover too many recommendations and that it would have been more effective to prioritise them.

HREOC disseminated the publications to the School of Isolated and Distance Education (SIDE) WA, and these were sent out widely by SIDE. According to the group the publications added weight to and affirmed the directions of the organisation. This group was taking some of the recommendations on-board, as they were very much in line with their own approach. They are now looking at how they can implement the recommendations. The Mt Isa School District is also using the reports, as the recommendations reaffirm the directions that they are heading.

Few publications seem to have found their way to grassroots groups in Central Australia and Normanton in Northwestern Queensland. For example, one informant at the hearings was only aware of the *Recommendations* and was unaware of the supporting documents. Only a couple of people at Normanton school had seen the reports and most had no idea of what had come out. The WA Farmers' Federation said the publications were not well disseminated and they had not seen copies.<sup>9</sup>

There is general agreement among interviewees and other participants that the report and supplementary documents have been useful for academic purposes, such as teacher training and for writing further submissions. The status of HREOC was seen as giving the documents substantial credibility and 'weight'. However, there was disappointment at the level of action on the *Recommendations* report. 'Would the inquiry staff ever come back and follow up?' - was the question raised by an Aboriginal group in Normanton. Most people had no idea what had happened to the report, what the Government's response had been or if there had been any outcomes. Most thought not. One participant thought they 'had been delivered in a time capsule' and 'to be opened in 20 years'.

Comment

The approach adopted by the inquiry to produce only one report (*Recommendations*) with supporting documents directed toward target audiences appears to have been a good strategy. Responses collected through the evaluation suggest that it may well have been useful to have distributed the supporting documents more widely and beyond the specific target groups.

Some people were clearly under the impression that HREOC would be able to implement findings, while others were more aware of HREOC's role and did not see this as a realistic possibility. Other informants said that HREOC might have been able to initiate (either directly or indirectly) a test case in the education area (e.g. 'an educational Mabo').

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9 The inquiry's report, *Recommendations*, was distributed to every submission author, witness and public meeting participant for whom the inquiry was provided with a name and address. The same is true of the evidence summary publication, *Emerging Themes*. The other publications were designed for specific target audiences and were distributed to those audiences. All of the publications are available on the HREOC website and have been from the dates of publication.

One informant suggested this might have been a better way to proceed, rather than to hold an inquiry.<sup>10</sup>

While it was not the purpose of this stage of the project to seek to identify the impact of the inquiry, there were some areas where change was brought to our attention. In the telecommunications area, for example, the Mt Isa School of the Air commented that Telstra's services to their children had improved markedly in recent times. 'Telstra is bending over backwards to help kids - if kids can't get onto the Internet a helicopter arrives within two hours' and 'Telstra is rolling out its satellite program and computer package for next to nothing'.

In another town the people who participated in the impromptu meeting at the Aboriginal Family Support Centre received very useful advice and information back from HREOC. They were very happy about this. One parent used this information to get dispensation for their child from the State school, as they were very unhappy with the perceived level of racism and poor standard of teaching in the school. One interviewee referred to this as 'a big thing to do, as they stood up to an institution'. In a small town, such as this, 'this was a courageous act'. It was reported that the school had improved a lot during 2001 but that two new staff – the principal and a teacher — were leaving at the end of 2001. Parents from surrounding stations had heard nothing since the inquiry, which possibly explains why so few were willing to talk to the evaluation team.

On the other hand, staff members at another remote town had unreasonably high expectations. They claimed they were led to believe that whatever the inquiry found would be implemented. Therefore, they had 'high hopes that things were going to change' and spoke up about their concerns, especially about learning support programs. Commissioner Sidoti 'seemed very receptive to major issues raised by the staff' and they were impressed with this and thought that it would lead to change. It was explained to the inquiry team that children take three years to be 'ascertained' (i.e. needing learning support) in this town, compared with 12 weeks in Brisbane. Most staff members were really concerned, as children develop increasing learning and behavioural problems in the meantime. They put this to the inquiry and expected change but the situation has actually deteriorated since the inquiry. 'How long does it take to say it was a stuff-up?' was the question posed by one member of staff who was disillusioned with the inquiry.

In remote communities in NSW, such as Moree, Walgett, Brewarrina and Boggabilla, participants commented on the lack of individual feedback about the findings of the inquiry. Even though reports did arrive in some schools, not all had access to them.

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10 HREOC has no power to initiate a test case. It should also be noted that HREOC would in all likelihood be unable to investigate a complaint about a child's right to education because education providers are State or private bodies. HREOC can only investigate human rights complaints where the alleged violator is the Commonwealth. The only education complaints within HREOC's jurisdiction are complaints of discrimination in education. This leaves HREOC with the public inquiry function as one of very few ways to highlight many human rights concerns, including regarding education.

Commissioner Sidoti addressed a conference of principals of distance schools in mid-2000. There was a feeling of disappointment among some respondents that he did not engage in a healthy debate of the findings and recommendations of the inquiry.

Education is seen as mostly a State responsibility and, therefore, closer involvement of State officials in the process of the inquiry, where possible, would have been helpful to the process, as well as to the follow-up. This would have been feasible in Western Queensland where it was noted that the Mt Isa Office of Education was well placed and would have been willing to act as a partner by providing more initial input and assistance with the inquiry. However, this concern needs to be balanced against the need to maintain perceptions of HREOC's independence.

#### Comments

Although respondents were generally pleased with the scope of the inquiry and the way in which the results were disseminated in small, easy to read booklets, others maintain that highlighting a few issues in each topic area *by state* may have been much more effective as a means of influencing politicians. For example, to expect one group of recommendations to apply to Aborigines across all states and contexts was not appropriate.

The lack of a mandate for HREOC to implement change was disappointing and disillusioning for some. Raising false expectations was seen as a major issue and is counterproductive - only serving to increase the sense of isolation and the fact that nobody cares. It was stated that this type of outcome does not help morale. The lesson that can be drawn from these responses is that HREOC should make even greater efforts to very carefully explain the next inquiry process. As suggested above, posters and video clips might have served to make this point more decisively.

In the promotion of the outcomes of the inquiry to remote communities, videos could be a better way of giving feedback than written reports, particularly for those who are illiterate.

### **3. CONCLUSIONS AND RECOMMENDATIONS**

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#### **3.1 Major Lessons to be Learned**

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While there was general support for the process adopted by the inquiry there are a number of lessons that HREOC might take into account in future inquiries.

First, some sort of scouting exercise to discuss issues, select appropriate locations and prepare communities, and identify where interpreters would be needed should have preceded the inquiry. It might also be worth considering the employment of Aboriginal workers to collect information on behalf of the inquiry.

Second, in order to expand participation in the future there is a need to ‘go out to’ participants and visit them at their working locations. This, it seems, is especially so for Aborigines, who are not comfortable with a highly structured format with time limits etc. The process needs to be managed at the local level to find ‘local solutions for local problems’. The use of the telecentres that exist in WA for rural families to join in on discussions would have been a useful way to involve more farming families. HREOC needs to ensure that the disabled, particularly those in wheelchairs, can physically access the hearing/meeting venues. Although it is an essential criterion to provide such access at all HREOC hearings/meetings and this was strictly adhered to on most occasions, one participant in a remote NSW town claimed that this did not occur at one venue. No other similar comment was received.

Third, Co-Commissioners could have been used more effectively to mobilise their networks to promote interest in the inquiry. For example, they could have met to participate in the planning of the inquiry prior to the holding of any hearings or public meetings. Some Co-Commissioners were unclear of the overall objectives and the expectations of the Commission as to what should emerge as outcomes. Not having Co-Commissioners from the disability or migrant sectors could have been similarly problematic. However, this needs to be considered in the context of deriving value from the cross-sectional interests of those appointed, as well as their ‘State’ knowledge. Generally, however, there was a good range of experience and affiliation among Co-Commissioners and their State representation worked reasonably well.

Fourth, many people made the point that it is necessary to have ‘partner workers’ on the ground to facilitate input and planning, before, during and as follow-up to the inquiry process. For example, Land Councils, Zone Commissioners for ATSIC and Aboriginal Congress (NT) are all valuable organisations for mobilising input from schools and communities. The visit to Billiluna (WA) was perceived by the WA Co-Commissioner, as well as some other WA respondents, as being of little value except to enable HREOC to confront the difficulties. Interviewees’ comments suggest there was little understanding in this community as to what the inquiry was all about, or what it was seeking to achieve. From the point of view of the target groups State Education Department input might have been more effective if there had been closer involvement of all the States in the preparation for the inquiry and had they been kept more closely briefed on progress. It

was considered by some that there were structural difficulties in working with the NT government. But it might have been possible to have closer involvement in some of the other States. In the case of the NT, there was some concern that Co-Commissioner Devlin had been too close to the development of NT education policy.

Fifth, the inquiry could have been better publicised. Various suggestions emerged for a more strategic approach that would have helped offset the very limited advertising budget. Bright glossy posters could have been distributed and promulgated in rural and remote communities and website addresses (for enquiries by the public) could be printed on posters. HREOC used the radio quite widely to promote the issues and publicise the inquiry but talkback radio, where community members could ring in and discuss the terms of reference, would be an effective way of promoting future inquiries, particularly for those with poor literacy skills. Advertisements in local newspapers could have been better targeted towards special groups, such as remote Aboriginal communities, farming families, etc.

They suggested a video explaining the terms of reference and emerging issues of the inquiry would be a better way of communicating with those who cannot read or write English.

### **3.2 Conclusion**

One of the implications of globalisation has been that international processes have become increasingly influential in steering public policy (Marceau 1997). In the social policy arena, international agreements on environmental management, refugee resettlement and the rights of children and Indigenous communities are now important forces in managing national social policy (Kirby 1999). But public policy in Australia is influenced by a range of other social processes as well — including national, state and local political processes; mainstream community expectations and their influence through public debate and the process of seeking resolution to demands and expectation of specific interest groups. Policy is also influenced, although often in indirect ways, by contemporary research output.

This project has been the first stage of an investigation of the impact of a national inquiry on research and social change. The inquiry process has been the focus of attention. Its findings, like research, mediate between global and local events and social action. ‘Mainstreaming’ of the Aboriginal education issue, that is incorporating it with other special groups, was a clever strategy that should have brought results. From the point of view of the issue, incorporating it into a rural and remote education framework meant that it was not isolated out and was dealt with in a similar way to other groups: rural farm children, children with disabilities, migrant children etc. Politically, this was a good strategy but the key question is whether it worked in practice?

This is just one of the issues that the next stage of the project will address. Stage 2 will involve an analysis of the outcomes and impact of the inquiry. From Stage 1 the evaluation team have developed six hypotheses which will be investigated:

- The impact of national human rights inquiries is achieved at two levels: through direct response to recommendations and through indirect processes such as subsequent research, debate and educational curriculum.
- The impact of national human rights inquiries is achieved through two mechanisms: through the process of carrying out the inquiry and through the output of the inquiry.
- Although international agreements do not override national legislation, HREOC human rights inquiries are nevertheless influential on public policy *because* their findings and recommendations are based on international human rights law principles.
- The Rural and Remote Education Inquiry was influential because it drew a diverse range of interest groups into debate around the common problem of delivering quality education to students in rural Australia.
- For rural and remote education stakeholders, the human rights framework has provided a new and valuable mechanism for influencing policy on the provision of school education.
- Mechanisms for evaluating the impact of national human rights inquiries need to take into account a diverse range of community expectations and experiences.

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## **Appendix A**

### **Evaluation Consultations: October - December 2001**

(\* denotes telephone interview)

#### **Commissioner:**

\* Mr Chris Sidoti

#### **Co-Commissioners:**

Associate Professor Brian Devlin

Ms Barbara Flick

Lady Pearl Logan

Sister Patricia Rhatigan

\* Mr Tim Roberts

#### **HREOC staff involved with the inquiry:**

\* Ms Fabienne Balsamo

\* Ms Barbara Flick

Ms Susan Newell

Mr David Robinson

\* Ms Kate Temby

#### **Western Australia:**

##### *Perth*

Ms Lucy Beckwith, WA Farmers' Federation

Ms Marie Clarence, WA Farmers' Federation

Mr Steve Solomon, School of Isolated and Distance Education

Ms Gay Tierney, School of Isolated and Distance Education

Ms Isabel Pearson, School of Isolated and Distance Education

##### *Broome*

Sister Pat Rhatigan, Co-Commissioner, Catholic Education system

Ms Gwen Bucknell, Education Faculty, Notre Dame University

Mr John Bucknell, Notre Dame University

Ms Esther Bevan, Aboriginal community worker

Sister Leonie Collins, Centacare

##### *Kununurra*

Ms Wendy Cooke, Public Relations Officer, Kununurra Shire Council

Ms Anne Wright, President, P&C Association, Kununurra District High School

#### **Northern Territory:**

##### *Darwin*

A/P Brian Devlin, Co-Commissioner, Faculty of Science, Education and IT, NTU

Mr Bob Collins, former Labor Senator

*Alice Springs*

Ms Beverley Angeles, Yipirinya School and Indigenous Education Council  
Dr Bob Boughton, formerly Menzies School of Health Research  
Ms Donna AhChee, Central Australia Aboriginal Congress

**Queensland:**

*Normanton*

Ms Tracy Pascoe, Teacher Aide, Normanton State school  
Ms Sibil Dukes, Coordinator of Teacher Aides, school  
Ms Irene Fitzsimmons, Registrar, school  
Ms Nola Gallagher, Teacher Aide, school  
Ms Val Tolputt, Teacher Aide/Learning support, school  
Ms Liz Callope, Administrator, Gkuthaarn Aboriginal Corporation  
Mr Jerry Callope, Gkuthaarn Aboriginal Corporation  
Ms Lynne Logan, Treasurer, Gkuthaarn Aboriginal Corporation

*Mt Isa*

Mr Tim Moes, Deputy Principal, School of the Air  
Mr Alan Bailee, Superintendent, Mt Isa School District  
\* Ms Allison Bohamen, Manager, Community Development Centre  
\* Ms Evelyn Adesna, Past President of Filipino Association, Mt Isa TAFE College

*Boulia*

Ms Dale George, Aboriginal Family Support Centre  
Ms Florence Melville, Boulia Shire Council, parent  
Ms Kalinda Cluff, station parent  
Ms Kelsey Neilson, Two Rivers Station, parent  
Ms Rae Lincoln, Teacher Aide, Boulia State School  
Ms Lorraine Stephens, Teacher Aide, school  
Ms Jane Norton, Teacher Aide, school

*Sunnybank*

\* Autism Association of Queensland (157)

**New South Wales:**

*Sydney*

Ethnic Communities Council

*Moree*

Mr Ken Cattanach, Moree Public School  
Ms Lindy Hosegood, Moree Public School  
Ms Faye Sullivan, P & C Council  
Mr Mark Sullivan, Farmer and Parent  
Mr Rob Griffiths, Christian Community School  
Mr Tom French, AECG  
Mr Eddie Pitt, Aboriginal Education Consultative Group

Mr Peter Pearce, Community member, Moree  
Ms Gale Samson, NSW Education Department.  
Ms Elizabeth Taylor, TAFE teacher

*Walgett*

\* Mr Don Lillyman, Chronic Prevention Committee  
\* Ms Anne McGee, Principal, Walgett High School  
Mr Pat Cavanagh, NSW Department of Education and Training  
Ms Anne Dennis, Aboriginal Cultural and Education Centre  
Ms Kaylene Hall, Aboriginal Cultural and Education Centre  
Ms Jo Mihalic, Distance Education Centre  
Ms Dorothee Lean, Rowena Public School  
Ms Sonja Wild, Walgett Public School  
Brother John Giacon, St Joseph Christian Brothers School  
Ms Debbie Walford, Aboriginal Cultural and Education Centre

*Brewarrina*

Ms Cheryl Crawford, Aboriginal Cultural Museum Aboriginal Corporation  
Ms Dianne Kelly, Brewarrina Central School (parent representative)

*Boggabilla*

Mr Greg Simmons, Principal, Boggabilla Central School

**Victoria**

\* Traralgon Deaf Facility

**South Australia**

\* Attention Disorders Association of SA

**Tasmania**

\* Anglicare Tasmania