

2013

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**ACT Government Response to the Aboriginal and Torres Strait
Islander Elected Body Third Report**

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**ACT GOVERNMENT'S RESPONSE
TO THE
ABORIGINAL AND TORRES STRAIT ISLANDER ELECTED BODY'S
THIRD REPORT**

THE ACT GOVERNMENT'S COMMITMENT

The ACT Government welcomes the receipt of the Aboriginal and Torres Strait Islander Elected Body's Third Report and has carefully considered the recommendations set out in the document.

With the growth in the Aboriginal and Torres Strait Islander population, the ACT has sought to lead the way in government service delivery, staying committed to providing the highest possible level of support for, and engagement with, Aboriginal and Torres Strait Islander people in the ACT, at the same time initiating and supporting innovative policies and programs.

The Government is committed to Closing the Gap in Aboriginal and Torres Strait Islander disadvantage. Through its partnership with the Aboriginal and Torres Strait Islander Elected Body, the ACT Government is working to Close the Gap for members of the local Aboriginal and Torres Strait Islander community in all the following areas:

- Health;
- Schooling;
- Safe Communities;
- Governance and leadership;
- Economic participation;
- Healthy homes; and
- Early childhood.

This partnership is creating a better linkage that has improved the capacity of services to deliver programs and work in partnership with the Aboriginal and Torres Strait Islander community. We have seen a practical commitment by all ACT Government agencies in recognising the important role that culturally competent mainstream services as well as Aboriginal and Torres Strait Islander specialist services are contributing to the closing the gap targets in the ACT.

We value the Elected Body advocacy role to represent Aboriginal and Torres Strait Islander people living in the ACT as well as its ability to foster community discussion about issues of concern to Aboriginal and Torres Strait Islander people. By reporting the outcomes of these discussions to the ACT Government, we are able to direct our effort in overcoming Aboriginal and Torres Strait Islander disadvantage in the ACT.

As a Government, we are also working in partnership with local Aboriginal and Torres Strait Islander organisations and their leaders in addressing problems in a manner that is appropriate to the Aboriginal and Torres Strait Islander community. As a priority for improving outcomes in the ACT, our commitment is to strengthen family and community well-being, and support the Aboriginal and Torres Strait Islander community to strengthen their own capacity and leadership.

In response to the ACT Government meeting with the Elected Body and constituent representations from the Aboriginal and Torres Strait Islander community, the Government has been able to make changes to the Aboriginal and Torres Strait Islander Elected Body legislation. This will enable an increase in the campaign period available for nominees for positions on the Elected Body as well as moving the elections in 2014 to NAIDOC Week to more effectively reach the target community and build sustained community engagement.

By receiving valuable advice on design and delivery of services and programs from the Elected Body, the ACT Government has been able to put in place additional services and programs under the 2012 ACT Budget. Several new programs designed to assist Aboriginal and Torres Strait Islander people in the ACT to reach their full potential have commenced.

Projects include the Community Helping Aboriginal Australians to Negotiate Choices Leading to Employment and Success (CHANCES) Program; and the Aboriginal and Torres Strait Islander Support and Capacity Building Program.

These important initiatives are aimed at increasing economic participation opportunities for Aboriginal and Torres Strait Islander people.

The ACT Public Service Aboriginal and Torres Strait Islander Traineeship program is a continuing success story. Current figures show that self-identified Aboriginal and Torres Strait Islander people represent 1.0 per cent of the total full time equivalent of the ACT Public Service workforce. The ACT Public Service has set a target to more than double the employment level of Aboriginal and Torres Strait Islander people to two per cent of the total full time equivalent of the ACT Public Service.

The ACT Government has inaugurated the Aboriginal and Torres Strait Islander Small Grants Program along with the ACT Aboriginal and Torres Strait Islander Leadership Grants Program.

Another significant initiative to help overcome disadvantage in terms of employment is the ACT Indigenous Business Development Program which aims to assist Aboriginal and Torres Strait Islander people to start and grow their own businesses.

In response to a recommendation from a previous Elected Body Report, the ACT Government produced the *2012 ACT Closing the Gap Report*, as the first of such reports that will identify the key programs and initiatives currently underway in the ACT, aimed at closing the gap on Indigenous disadvantage. As with the rest of Australia, the ACT has an over representation of Aboriginal and Torres Strait Islander children involved in the Out of Home Care system and the juvenile justice system. Aboriginal and Torres Strait Islander disadvantage is reflected in indicators such as homelessness, unemployment, educational attainment, family functioning and health status.

The ACT Government will be responding to the Elected Body's request to provide an update on progress against recommendations contained in previous reports. This will be done separately to this response.

**GOVERNMENT RESPONSE TO THE RECOMMENDATIONS FROM THE
THIRD ABORIGINAL AND TORRES STRAIT ISLANDER ELECTED BODY ESTIMATES STYLE HEARINGS**

RECOMMENDATION	COMMITMENT	LEAD AGENCY
<p>RECOMMENDATION 1</p> <p>The ACT Government commit to a five year priority for the establishment of an Aboriginal and Torres Strait Islander aged-care and respite facility in the ACT, including the identification and securing of a site from future land releases for the project.</p>	<p>AGREED-IN-PRINCIPLE</p> <p>It is acknowledged that Aged Care is a Commonwealth Government responsibility and that the Aged Care Assessment Team provides aged care assessments for people who may need to access these services.</p> <p>It is also acknowledged that there is a need for a dedicated service that deals with the particular issues that older Aboriginal and Torres Strait Islander people are facing.</p> <p>The ACT Community Services and Health directorates will work with the Elected Body to develop independent living and low care options.</p> <p>It is anticipated that, given the level of responsibility by the Commonwealth Government in this area of service delivery, there will be future engagement with the Commonwealth Government to shape future proposals for local Aboriginal and Torres Strait Islander peoples.</p>	<p>Community Services Directorate/ Health Directorate</p>
<p>RECOMMENDATION 2</p> <p>A recommitment to the original budget allocation for the establishment of the Ngunnawal bush healing farm on Paddy’s river to maximise outcomes</p>	<p>AGREED</p> <p>The ACT Government is committed to the original budget allocation of \$5.883 million.</p> <p>It also notes the contribution by the Commonwealth Government of \$1 million in funding, which made a significant contribution to the purchase of the land.</p>	<p>Health Directorate</p>

<p>RECOMMENDATION 3</p> <p>The ACT Government to develop a service-wide program to mentor Aboriginal and Torres Strait Islander students currently in the ACT schools system to encourage aspirations for further qualifications such as diplomas.</p>	<p>AGREED</p> <p><i>The Aboriginal and Torres Strait Islander Education Matters: Strategic Plan 2010–2013</i> provides clear direction for closing the learning achievement gap between Aboriginal and Torres Strait Islander students and other students.</p> <p>One of the key actions in the Plan is to build a database of year 12 graduates and mentors for younger students.</p> <p>This will be finalised by 31 December 2013.</p>	<p>Education and Training Directorate</p>
<p>RECOMMENDATION 4</p> <p>The ACT Government prioritise recruitment and career development for Aboriginal and Torres Strait Islander peoples in the preschool sector.</p>	<p>AGREED</p> <p>The ACT Government is supportive of increasing Aboriginal and Torres Strait Islander participation in the workforce within the preschool sector. The presence of a preschool worker who identifies as Aboriginal or Torres Strait Islander and is working in the area where a child lives has been proven to significantly increase attendance.</p> <p>The ACT Government’s aim is to overcome some of the identified barriers to Aboriginal and Torres Strait Islander people completing tertiary study as well as encourage more Aboriginal and Torres Strait Islanders into the childcare sector to enhance the delivery of culturally sensitive services.</p> <p>The ACT Government is keen to support Aboriginal and Torres Strait Islanders into these areas of employment.</p> <p>One such program offering government support is the <i>Aboriginal and Torres Strait Islander Support and Capacity Building Program</i> which provides funds to be used to pay for childcare, transport and training resource costs for</p>	<p>Community Services Directorate/Education and Training Directorate</p>

	<p>participants undertaking relevant study and who have secured an Early Childhood Scholarship.</p> <p>The ACT Government offers an Early Childhood Scholarship program for new or existing early childhood educators to obtain a Certificate III in Children Services.</p>	
<p>RECOMMENDATION 5</p> <p>That the ACT Government establish an independent, Aboriginal and Torres Strait Islander community controlled child welfare organisation that both will be a service delivery conduit for local Aboriginal and Torres Strait Islander peoples as well as to undertake an advocacy role in relation to children that are coming into the foster care and protection environment. A shared funding arrangement between the ACT and NSW Governments to fund the Aboriginal and Torres Strait Islander community controlled child welfare organisation as a service hub for the surrounding region should be examined as part of this process.</p>	<p>AGREED IN PRINCIPLE</p> <p>The Office for Children, Youth and Family Services in the Community Services Directorate is working with its NSW counterpart and the Aboriginal Child, Family and Community Care State Secretariat (NSW) to develop a regional Aboriginal Child Care Agency.</p> <p>Funding for an Aboriginal and Torres Strait Islander controlled child welfare organisation would be drawn from reprioritising existing resources.</p> <p>This model is currently being developed by NSW in partnership with Anglicare and a Queanbeyan based Aboriginal Corporation.</p>	<p>Community Services Directorate</p>
<p>RECOMMENDATION 6</p> <p>The ACT Government provide</p>	<p>AGREED IN PRINCIPLE</p>	<p>Justice and Community Safety Directorate</p>

<p>quarterly reporting against the Aboriginal Justice Agreement.</p>	<p>Negotiations for a new Aboriginal Justice Agreement are about to commence.</p> <p>The ACT Government will provide informal quarterly reports to the Elected Body against the Aboriginal Justice Agreement.</p> <p>The reports will take the form of quarterly verbal briefings by relevant officials attending meetings of the Elected Body.</p>	
<p>RECOMMENDATION 7</p> <p>The ACT Government provide quarterly reporting for the Official Visitor program.</p>	<p>NOTED</p> <p>The <i>Official Visitor Act 2012</i> is scheduled to commence on 1 July 2013.</p> <p>This Act makes a number of significant changes to the existing official visitor schemes for corrections, mental health and children and young people.</p> <p>The Act also introduces two new official visitors – an official visitor for disabilities and an official visitor for homelessness.</p> <p>Further work is necessary to implement the new scheme. Until this occurs it may be difficult to commit to additional reporting under the scheme.</p>	<p>Justice and Community Safety Directorate</p>
<p>RECOMMENDATION 8</p> <p>The ACT Government establish a dedicated and financially sustainable ACT Aboriginal and Torres Strait Islander Legal Service.</p>	<p>NOTED</p> <p>The ACT Government will continue to influence the Australian Government in the establishment of a dedicated ACT Aboriginal and Torres Strait Islander Legal Service.</p> <p>Aboriginal Legal Services are the responsibility of the Commonwealth Government.</p> <p>The ACT Government will continue to advocate for an increase in support for Aboriginal Legal Services from the Commonwealth.</p>	<p>Justice and Community Safety Directorate</p>

	<p>The Parliamentary Agreement for the 8th Legislative Assembly provides that the ACT Government agree to support or implement initiatives including:</p> <p>Justice and Law Reform</p> <p>8.2 Provide an additional \$100,000 per annum to Aboriginal legal services</p> <p>Any additional funding for Aboriginal legal services is subject to the budget process and competing government priorities.</p> <p>Currently the ACT Government funds the following services that provide targeted services to Aboriginal and Torres Strait Islander Canberrans.</p> <p>Women’s Legal Centre</p> <p>The ACT Government provided recurrent funding to the Women’s Legal Centre to operate a program specifically to assist Aboriginal and Torres Strait Islander women to access the legal system. The Aboriginal and Torres Strait Islander Women’s Law and Justice Program provides culturally appropriate support services to Aboriginal and Torres Strait Islander women in the ACT and region.</p> <p><u>Legal Aid ACT</u></p> <p>Indigenous Support Officer</p> <p>Legal Aid ACT has a full time Aboriginal and Torres Strait Islander Support Officer to provide assistance to Aboriginal and Torres Strait Islander clients and to engage with the local community to promote the range of services available at Legal Aid ACT.</p>	
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	<p>Indigenous Dispute Resolution Officer</p> <p>The Family Dispute Resolution Program employs an Indigenous Project Officer to provide culturally appropriate conflict resolution services in the form of conferences and mediation with the aim of resolving family law disputes out of court. The role also includes advocating on behalf of Aboriginal and Torres Strait Islander clients in family law matters and promote the service available in the Family Dispute Resolution Program to the local community.</p>	
<p>RECOMMENDATION 9</p> <p>The ACT Government establish a dedicated and sustainable ACT Aboriginal and Torres Strait Islander Women Advocacy and Service organisation.</p>	<p>NOTED</p> <p>Currently the ACT Government provides recurrent funding to the Women’s Legal Centre to operate a program specifically to assist Aboriginal and Torres Strait Islander women to access the legal system. The Aboriginal and Torres Strait Islander Women’s Law and Justice Program provides culturally appropriate support services to Aboriginal and Torres Strait Islander women in the ACT and region.</p> <p>The ACT Government understands that the ACT Aboriginal and Torres Strait Islander community would like to establish a dedicated Aboriginal and Torres Strait Islander Women’s Advocacy and Service organisation.</p> <p>From the Elected Body’s discussions with the community, they believe that the Service would provide legal assistance and advice on such things as Family Law, Domestic Violence and Child Protection. It would also assist with Debt Matters, Wills and Estates, Discrimination, Victims Assist, Tenancy and Employment Matters.</p> <p>The ACT Government is supportive of the community in the establishment of such a service and would seek their submission for funding. Further consultation with the Aboriginal and Torres Strait Islander Women’s Law and Justice program manager and reference group will be required to progress</p>	<p>Community Services Directorate</p>

	<p>this project further.</p>	
<p>RECOMMENDATION 10</p> <p>All Directorates ensure that when referring to Aboriginal and Torres Strait Islander peoples, no abbreviations are acceptable, and if referring to Indigenous peoples, then this is always with a Capital “I”, as a sign of respect. It is the preference of ATSIEB that Aboriginal and Torres Strait Islander peoples is used.</p>	<p>AGREED</p> <p>The ACT Government will ensure all directorates use the appropriate terminology when referring to Aboriginal and Torres Strait Islander peoples.</p> <p>This recommendation aligns with current ACT Government policy.</p>	<p>Community Services Directorate</p>
<p>RECOMMENDATION 11</p> <p>All Directorates to work in partnership with ATSIEB in relation to the annual budget process. In particular proposals for new policy initiatives that will impact on the Aboriginal and Torres Strait Islander communities, and which quite clearly identify where it is that ATSIEB is being consulted and what the feedback is.</p>	<p>AGREED IN PRINCIPLE</p> <p>Work has already commenced in the early engagement with the Elected Body.</p> <p>The Elected Body is now represented on the ACT Strategic Board Committee for Aboriginal and Torres Strait Islander Affairs and its working group – where key budget initiatives will be discussed.</p> <p>Directorates will be engaging the Elected Body through regular meaningful meetings that are strategically focused prior to the development of budget initiatives.</p>	<p>All Directorates</p>
<p>RECOMMENDATION 12</p> <p>All Directorates to work in partnership with ATSIEB in relation</p>	<p>AGREED</p> <p>As the peak Aboriginal and Torres Strait Islander consultative mechanism in the ACT, the ACT Government will ensure that the Elected Body is engaged.</p>	<p>All Directorates</p>

<p>to engagement with the Aboriginal and Torres Strait Islander communities.</p>	<p>The ACT Government values the Elected Body’s advocacy role to represent Aboriginal and Torres Strait Islander people living in the ACT.</p> <p><i>Engaging Canberrans: A Guide to Community Engagement</i> (2011) includes a section on engaging with Aboriginal and Torres Strait Islander peoples and lists the Aboriginal and Torres Strait Islander Elected Body as a contact point.</p>	
<p>RECOMMENDATION 13</p> <p>The ACT Government to prioritise the resolution of servicing responsibilities by the NSW and ACT Governments to Jervis Bay and Wreck Bay communities.</p>	<p>AGREED</p> <p>The ACT Government is committed to progressing the matter of servicing responsibilities to the Jervis Bay and Wreck Bay communities. The ACT Government has requested the Prime Minister make the resolution of this matter a priority (as has the Premier of NSW).</p> <p>This will need to include a change to the Commonwealth law that applies ACT laws to the Jervis Bay Territory.</p> <p>The Australian Government is the responsible jurisdiction for the provision of services to Jervis Bay Territory. It contracts the ACT Government to deliver some of the services in that area under an MOU.</p>	<p>Chief Minister and Treasury Directorate</p>
<p>RECOMMENDATION 14</p> <p>The ACT Government to develop annual ‘fact sheets’ by all directorates which identify the expenditure on Aboriginal and Torres Strait Islander initiatives across the ACT Government, including a ‘fact sheet’ on expenditure initiatives for the local</p>	<p>NOTED</p> <p>The expenditure on Aboriginal and Torres Strait Islander peoples is detailed in several reports.</p> <p>The Productivity Commission prepares the <i>Indigenous Expenditure Report</i> on a biennial basis and details all State/Territory and Commonwealth expenditure on Indigenous Australians</p> <p>As part of this publication, fact sheets are available detailing expenditure</p>	<p>Chief Minister and Treasury Directorate/ Community Services Directorate</p>

<p>traditional Aboriginal custodians.</p>	<p>grouped by the National Indigenous Reform Agreement 'Closing the Gap' building blocks.</p> <p>ACT Government expenditure on Indigenous Canberrans is detailed in this report.</p> <p>The ACT contribution, <i>Summary of Targeted ACT Government Expenditure on Indigenous People in 2012</i>, contains Directorate expenditure breakdowns, as well as specific information on funded services and programs.</p> <p>The ACT Government will formally provide the Elected Body with all relevant published reports which provide relevant data and other information.</p> <p>The ACT Government does not discriminate in its service delivery between the local traditional Aboriginal custodians and the broader Aboriginal and Torres Strait Islander people in the ACT.</p>	
<p>RECOMMENDATION 15</p> <p>The ACT Government to fund an expansion or extension of the facilities of the Winnunga Nimmityjah Aboriginal Medical Service.</p>	<p>NOTED</p> <p>The majority of core funding for the Winnunga Nimmityjah Aboriginal Medical Service is provided by the Commonwealth Government's Department of Health and Ageing and by the Department for Human Services.</p> <p>Most of the funding provided to Winnunga Nimmityjah Aboriginal Medical Service by the ACT Government is for discrete programs.</p> <p>The ACT Government values the work undertaken by Winnunga Nimmityjah Aboriginal Medical Service in the ACT and will assist the organisation to ensure that the facilities meet current needs and are properly maintained.</p>	<p>Health Directorate</p>
<p>RECOMMENDATION 16</p>	<p>AGREED</p>	<p>Community Services Directorate</p>

<p>Documentation of baseline data by ACT directorates to measure the local performance outcomes of programs and services funded for the Aboriginal and Torres Strait Islander communities and measure if the activities undertaken are working effectively to close the gap in disadvantage.</p>	<p>The ACT Government is developing a whole-of-government approach to Aboriginal and Torres Strait Islander data that has included a review of all government data.</p> <p>When completed, this will enable the ACT Government to obtain more reliable, timely and comparative information which will indicate longitudinal and trend data. In addition to the 2011 Census Factsheet 4, Aboriginal and Torres Strait Islander population indicators will be available on the Chief Minister and Treasury Directorate website shortly.</p> <p>This provides data and statistics on the Aboriginal and Torres Strait Islander population in the ACT and in the wider region, which will be useful for future program and service design.</p>	
<p>RECOMMENDATION 17</p> <p>Administrative responsibility for the operation of the United Ngunnawal Elders Council to be transferred to the Environment and Sustainable Development Directorate to more effectively engage with local Aboriginal custodians on cultural and heritage matters, including Natural Resource Management issues.</p>	<p>AGREED IN PRINCIPLE</p> <p>The United Ngunnawal Elders Council has a key responsibility in the preservation and protection of the local Ngunnawal culture.</p> <p>The Community Services Directorate will work with the Environment and Sustainability Directorate on how to proceed with this proposal.</p>	<p>Community Services Directorate / Environment and Sustainable Development Directorate</p>
<p>RECOMMENDATION 18</p> <p>The ACT Government to actively engage with Aboriginal and Torres Strait Islander peoples utilising the energy and water efficiency</p>	<p>AGREED</p> <p>The ACT Government will consult with the Elected Body on how to develop and implement an engagement strategy including the development of fact sheets and community engagement.</p>	<p>Environment and Sustainable Development Directorate</p>

program.		
<p>RECOMMENDATION 19</p> <p>The ACT Government to assist local Aboriginal and Torres Strait Islander organisations with assessments for existing community organisations, particularly those premises that are over 50 years old to be made a priority.</p>	<p>AGREED</p> <p>The ACT Government works with Aboriginal and Torres Strait Islander organisations to ensure their facilities are appropriately maintained.</p> <p>Specifically in relation to those Aboriginal and Torres Strait Islander community organisations which are located in non government facilities, the ACT Government provides resources through the Community Support and Infrastructure Grants Program to support the maintenance and improvement to those facilities.</p>	<p>Community Services Directorate</p>
<p>RECOMMENDATION 20</p> <p>The ACT Government to commit to a five year plan for the long term economic development and revitalisation of Boomanulla Oval.</p>	<p>AGREED</p> <p>The ACT Government is aware of plans for the future development by the current lease holder and will note these in considering future capital investment.</p> <p>The ACT Government is supportive of assisting with the development of long term planning for the Oval.</p>	<p>Economic Development Directorate</p>
<p>RECOMMENDATION 21</p> <p>The ACT Government to actively promote and report on its use of local Aboriginal and Torres Strait Islander businesses that qualify as a certified supplier of the Australian Indigenous Minority Supplier Council, including the level of businesses that are utilised</p>	<p>AGREED</p> <p>The ACT Government is a founding member of Australian Indigenous Minority Supplier Council now known as “Supply Nation”. Supply Nation’s goal of connecting Australian government organisations, corporate Australia with Indigenous business suppliers has been supported by the ACT Government.</p> <p>Through the ACT Indigenous Business Development Program, the ACT Government aims to assist Aboriginal and Torres Strait Islander people to start and grow their businesses.</p>	<p>Economic Development Directorate / Commerce and Works Directorate / Community Services Directorate</p>

<p>to procure goods or services for the ACT Government.</p>	<p>Under the Indigenous Economic Participation National Partnership Agreement, the ACT Government will continue to pursue initiatives to strengthen procurement policies to maximise Indigenous employment.</p> <p>The ACT Government also has a <i>Social Procurement Policy</i>. All tenders and contracts are made public on the Shared Services Procurement website and are available at dataACT.</p>	
<p>RECOMMENDATION 22</p> <p>ACT Government hand back control of the Aboriginal and Torres Strait Islander Cultural Centre in Lady Denman Drive, to an appropriate Aboriginal and Torres Strait Islander organisation in the ACT as agreed by ATSIEB.</p>	<p>NOTED</p> <p>The ACT Government will consider options for the future management of the ACT Aboriginal and Torres Strait Islander Cultural Centre in the next financial year in consultation with the Elected Body and the Aboriginal and Torres Strait Islander community.</p>	<p>Community Services Directorate</p>
<p>RECOMMENDATION 23</p> <p>The ACT Government to prioritise immediate housing and accommodation support for the aged-care and disabled Aboriginal and Torres Strait Islander communities, including respite care.</p>	<p>AGREED IN PRINCIPLE</p> <p>The ACT Government is supportive of the development of respite accommodation and support for Aboriginal and Torres Strait Islander people with high support needs under the broader commitment of housing the most vulnerable in our community.</p> <p>It should be noted, however, that the provision of aged care services is a Commonwealth Government responsibility.</p> <p>The ACT Government is currently engaging with members of the Elected Body to explore and progress the provision of specific, culturally appropriate, respite accommodation at one site to cater for the elderly in the local</p>	<p>Community Services Directorate</p>

	<p>Aboriginal and Torres Strait Islander community.</p> <p>In addition, opportunities arise with the ACT as a launch site for the National Disability Insurance Scheme which includes a focus on respite during the launch period.</p> <p>The National Disability Insurance Scheme covers people in the 0-64 age group. Aged Care (over 65 and Aboriginal and Torres Strait Islander people over 50) is the responsibility of the Commonwealth Government.</p>	
<p>RECOMMENDATION 24</p> <p>The ACT Government develop a recruitment and career development strategy for Aboriginal and Torres Strait Islander peoples in early childhood development areas.</p>	<p>AGREED</p> <p>This will be developed in tandem with Recommendation 4.</p>	<p>Education and Training Directorate / Community Services Directorate</p>