

ACT Aboriginal and Torres Strait Islander Elected Body

**REPORT ON THE OUTCOMES OF
THE ATSIEB HEARINGS 2014**

FIFTH REPORT TO THE
ACT GOVERNMENT





ACT|atsieb

Committee membership

As at December 2014

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(absent from the hearings)

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Resolution of appointment

The Aboriginal and Torres Strait Islander Elected Body (ATSIEB) is constituted under the *Aboriginal and Torres Strait Islander Elected Body Act 2008*. Elections for the ATSIEB are conducted according to the Act and the *Electoral Act 1992* by the ACT Electoral Commission.

Terms of reference

The Elected Body's Hearings process is held under powers provided by Section 26 of the *Aboriginal and Torres Strait Islander Elected Body Act 2008*. In practice, the Terms of Reference for the Hearings process are the generic questions provided by the Elected Body to Directorates, a copy of which is provided at Appendix B of this report.

Acknowledgement of traditional custodians

ATSIEB acknowledges that Canberra has been built on the lands of the Ngunnawal peoples. We pay our respects to the Ngunnawal peoples and we acknowledge and celebrate their ongoing culture and contribution to the ACT and region.

ATSIEB also acknowledges and has respect for the many other Aboriginal and Torres Strait Islander peoples from across Australia who now live in Canberra and we acknowledge and celebrate their cultures, diversity, and their contribution to the ACT and region.

Acknowledgment

The ATSIEB Members would like to thank Dr Brian Lloyd for all his efforts in compiling this report.



Contents

CHAIR'S FOREWORD	4
Delays in reporting	4
The process	4
Matters considered	5
RECOMMENDATIONS	7
1 BACKGROUND	10
Introduction	10
Structure of the report	10
2 FRAMEWORK	12
Introduction	12
<i>United Nations Declaration on the Rights of Indigenous Peoples</i>	12
<i>Aboriginal and Torres Strait Islander Elected Body Act 2008</i>	13
<i>Human Rights Act 2004</i>	14
<i>Heritage Act 2004</i>	15
Other documents, agreements and reports	16
Elected Body comment	16
3 CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE	17
Introduction	17
Improve the lives of Aboriginal and Torres Strait Islander people	17
Indigenous expenditure and Overcoming Indigenous Disadvantage	19
Capture data on interactions with Aboriginal and Torres Strait Islander people	20
Promote Aboriginal and Torres Strait Islander employment	21
Consult when developing programs and services	23
Increase Aboriginal and Torres Strait Islander economic participation	27
Elected Body engage with Directorate	30
Questions Taken on Notice	31
Elected Body comment	31
4 COMMUNITY SERVICES DIRECTORATE	36
Introduction	36
Improve the lives of Aboriginal and Torres Strait Islander people	36
Indigenous Advancement Strategy funding	44
Older persons housing project	46
National Disability Insurance Scheme	46
Capture data on interactions with Aboriginal and Torres Strait Islander people	48
Promote Aboriginal and Torres Strait Islander employment	50
Consult when developing programs and services	54
Increase Aboriginal and Torres Strait Islander economic participation	57
Elected Body engage with Directorate	58
Questions Taken on Notice	58
Elected Body comment	58



5 ENVIRONMENT AND PLANNING DIRECTORATE	63
Introduction	63
Improve the lives of Aboriginal and Torres Strait Islander people	63
Capture data on interactions with Aboriginal and Torres Strait Islander people	65
Promote Aboriginal and Torres Strait Islander employment	66
Consult when developing programs and services	68
Increase Aboriginal and Torres Strait Islander economic participation	70
Elected Body engage with Directorate	70
Questions Taken on Notice	71
Elected Body comment	71
6 EDUCATION AND TRAINING DIRECTORATE	75
Introduction	75
Improve the lives of Aboriginal and Torres Strait Islander people	75
Role in whole-of-government agreement	76
National Disability Insurance Scheme	77
Incorporation of Indigenous languages into curriculum	79
Capture data on interactions with Aboriginal and Torres Strait Islander people	80
Promote Aboriginal and Torres Strait Islander employment	80
Consult when developing programs and services	83
Increase Aboriginal and Torres Strait Islander economic participation	84
Elected Body engage with Directorate	85
Questions on Notice	86
Elected Body comment	86
7 JUSTICE AND COMMUNITY SAFETY DIRECTORATE	89
Introduction	89
Improve the lives of Aboriginal and Torres Strait Islander people	89
Capture data on interactions with Aboriginal and Torres Strait Islander people	93
Promote Aboriginal and Torres Strait Islander employment	94
Consult when developing programs and services	99
Increase Aboriginal and Torres Strait Islander economic participation	102
Elected Body engage with Directorate	104
Questions Taken on Notice	105
Elected Body comment	105
8 TERRITORY AND MUNICIPAL SERVICES DIRECTORATE	109
Introduction	109
Improve the lives of Aboriginal and Torres Strait Islander people	109
Capture data on interactions with Aboriginal and Torres Strait Islander people	112
Promote Aboriginal and Torres Strait Islander employment	113
Consult when developing programs and services	116
Increase Aboriginal and Torres Strait Islander economic participation	117
Elected Body engage with Directorate	118
Questions Taken on Notice	119
Elected Body comment	119



9 HEALTH DIRECTORATE	121
Introduction	121
Improve the lives of Aboriginal and Torres Strait Islander people	121
Capture data on interactions with Aboriginal and Torres Strait Islander people	123
Promote Aboriginal and Torres Strait Islander employment	125
Consult when developing programs and services	126
Increase Aboriginal and Torres Strait Islander economic participation	128
Elected Body engage with Directorate	128
Questions Taken on Notice	129
Elected Body comment	129
APPENDIX A WITNESSES	132
APPENDIX B GENERIC QUESTIONS	135
APPENDIX C SUMMARY OF QUESTIONS TAKEN ON NOTICE AND QUESTIONS ON NOTICE	136



CHAIR'S FOREWORD

Welcome to the fifth report for the ACT Aboriginal and Torres Strait Islander Elected Body Hearings process.

Delays in reporting

I should say at the outset that reporting on the fifth Hearings process has suffered some delays, and this report appears later than would have been ideal. This has come about because of uncertainties generated by the Elected Body not having the in-house capacity to produce the report, and the delay has been a matter of great concern to the Elected Body.

Be that as it may, the Office of the Legislative Assembly for the ACT has assisted by providing resourcing in-kind and the Elected Body is now pleased to present this report of the fifth Hearings process.

It is an important snapshot of how government policy and actions were tracking in relation to Aboriginal and Torres Strait Islander people in the ACT at the time of hearings. It is all the more important because matters raised here are not only important in their own right, but form threads of continuity with those raised in earlier and subsequent reports.

This, in the view of the Elected Body, is vital if we are to improve the circumstances of Aboriginal and Torres Strait Islander people in the ACT: we must keep track of conditions, undertakings by government agencies, and delivery on those undertakings, if we are to improve our situation. Too often, as is more than once noted in this report, policy and programs which affect Aboriginal and Torres Strait Islander people in this country are subject to chops and changes. This reduces effectiveness, discourages and disperses social capital, and wastes money. While there is widespread questioning about why we are not meeting targets to 'Close the Gap', this is likely to remain a significant obstacle to progress so long as this remains the case.

The Hearings process is a countervailing force against this dynamic, providing an opportunity to consider policy and programs for Aboriginal and Torres Strait Islander people in a context of continuity and results delivered.

The process

The Elected Body holds its hearings under the authority provided by Section 26 of the *Aboriginal and Torres Strait Islander Elected Body Act 2008*.

These are similar to the Estimates hearings held annually by a select committee in the Legislative Assembly for the ACT except that under its Act, the Elected Body is empowered to invite heads of government agencies, their officers, to appear whereas in Legislative Assembly hearings Ministers of Government appear with their officers.

Of course, while there are similarities, let us not lose hold of the distinctive nature of these proceedings. Among jurisdictions world-wide it is rare for Aboriginal and Torres Strait Islander people to be in a position where they can ask questions of government agencies and hold them accountable.

This is a very important thing, and I encourage all of the people who make up the constituency of the Elected Body—that is all Aboriginal and Torres Strait Islander people of the ACT—to take an interest in this process, recognising it for the uniqueness it represents. With your interest and support we can expand on this ‘Hearings process’ so that it really does some work for the improvement of the circumstances of Aboriginal and Torres Strait Islander people. Yes, in the ACT, but also perhaps more widely as a model for a more inclusive approach toward Aboriginal and Torres Strait Islander people by government.

We will see, in future Hearings processes, how these agreements influence the circumstances of Aboriginal and Torres Strait Islander people in the ACT. Given the collegial nature of the interaction between the Elected Body and government so far displayed in the Hearings process, future processes will also give the Elected Body—and by extension the ACT Aboriginal and Torres Strait Islander communities—the opportunity to comment on and, with good will, ensure that these agreements are responsive to the views and circumstances of the community.

Matters considered

Among the matters considered in, the fifth Hearings process, I would like to highlight a number of issues.

First, the *Employment Strategy for Aboriginal and Torres Strait Islander People, Commissioner for Public Administration 2011–2015* set a target that would see Aboriginal and Torres Strait Islander people becoming 2 per cent of the ACT public service workforce by 2015.¹

Against this, as will be obvious to the reader of this report, ACT Government Directorates reported mixed results. Some were doing well, while others fell well short of aspirations.

I'd like to emphasise the importance of the creation of a culturally-inclusive and safe workplace as well as reaching the critical employment targets. They are really important correctives to historical barriers to Aboriginal and Torres Strait Islander participation in the workforce. The benefits of having Aboriginal and Torres Strait Islander people in-place in the public sector, contributing to the work of these agencies and gaining further experience, are very important, and so is the practical demonstration to our young people that this and other forms of employment are viable options for our people.

While harm reduction is important, achieving employment targets represents a chance to move beyond simply ‘doing less harm’ toward more positive goals. If we work on both, effectively, then we are likely to see a cultural shift where there is less harmful, and more constructive behaviour. This in turn will lead to a change of self-image and a change to how we are perceived in the wider community, both of which—it hardly needs to be said—are critical to our future.

Beyond this, this report considers a number of matters at different levels of government, from *Indigenous Expenditure and Overcoming Indigenous Disadvantage* reporting at the interface between the Commonwealth and state and territory governments; to population-level interventions in education and health within the Territory; to specific issues such as community transport, support for Indigenous businesses, and the future of Boomanulla Oval.

¹ Commissioner for Public Administration 2011, *Employment Strategy for Aboriginal and Torres Strait Islander People 2011–2015*, pp.8, 11, available at www.cmd.act.gov.au/__data/assets/pdf_file/0007/202894/atsistrategy.pdf

Despite engaging different levels of government, all of these are important, and they all affect, in one way or another, the daily life of Aboriginal and Torres Strait Islander people in the ACT. If we are to make progress on improving the circumstances of Aboriginal and Torres Strait Islander people in the ACT, they all need to be attended to, and a sense of balance and proportion applied so that we can push hardest where it matters most.

To my mind, having the opportunity to consider these, alongside my very experienced colleagues in the Elected Body and senior public servants, says a lot about the value of these hearings. I commend the report to Government and to our constituents, the Aboriginal and Torres Strait Islander people of the ACT.



Diane Collins

Chairperson

Disclaimer: At the time of publishing this report (Report on the outcomes of the ATSIEB hearings 2014) Ms Diane Collins was the elected Chairperson due to the resignation of the prior Chairperson Mr Rod Little who resigned from the board in November 2015. Due to the lateness of this publication it became the responsibility of the current Chair to prepare the forward of this document.

RECOMMENDATIONS



Recommendation 1

3.74 The Elected Body recommends that the ACT Government ensure that the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) collect, aggregate and publish figures on the employment of Aboriginal and Torres Strait Islander people, side-by-side, for each ACT Government Directorate and agency.

Recommendation 2

3.81 The Elected Body recommends that the ACT Government make concerted and systematic efforts to reach 2 per cent targets, at minimum, for the employment of Aboriginal and Torres Strait Islander people in each ACT Government Directorate and agency, within the next two reporting years.

Recommendation 3

3.85 The Elected Body recommends that the ACT Government make representations to the Commonwealth and NSW, in the course of negotiations on administrative responsibility for Jervis Bay, highlight the negative effect of uncertainty on the Jervis Bay Aboriginal community, and encourage parties to agree on a timeline by which negotiations will be completed and new arrangements put in place.

Recommendation 4

3.88 The Elected Body recommends that the ACT Government establish and publicise a timeline for the design and implementation of new arrangements for the management of Boomanulla Oval, including an allocation of time for due consultation with the ACT Aboriginal and Torres Strait Islander community on arrangements for the oval.

Recommendation 5

3.99 The Elected Body recommends that the ACT Government take a more active role, in consultation with the Elected Body, in increasing the visibility of, and fostering and supporting, Aboriginal and Torres Strait Islander business in the ACT in the tourism and other sectors.

Recommendation 6

4.60 The Elected Body recommends that the ACT Government, in its dealings with the Commonwealth, advocate for an alternative model of funding for programs for Aboriginal and Torres Strait Islander people which would recognise the costs of short-term funding arrangements, and give due weight to the value of consistency, predictability and follow-through for that funding.

Recommendation 7

4.65 The Elected Body recommends that the ACT Government, in light of uncertainty generated by the transition to the National Disability Insurance Scheme (NDIS) ensure that it engages the Aboriginal and Torres Strait Islander community in the ACT and keeps it informed of developments and changes to service delivery.



Recommendation 8	4.70 The Elected Body recommends that the ACT Government conduct studies of Aboriginal and Torres Strait Islander people in the ACT affected by homelessness, to identify drivers and remedies, and to ensure an accurate picture of demand and supply for homeless services for this client population.
Recommendation 9	4.81 The Elected Body recommends that the Community Services Directorate (CSD) adopt a broader, systemic, approach to consultation with its Aboriginal and Torres Strait Islander client groups to ensure appropriate and sustainable services.
Recommendation 10	5.47 The Elected Body recommends that funding support for the position of Aboriginal Natural Resource Management (NRM) Facilitator transition from Commonwealth grant-based funding to the Environment and Planning Directorate's budget appropriation, and that further identified positions be created to support the position.
Recommendation 11	5.64 As per the third Hearings Report Recommendation 17: Administrative responsibility for the operation of the United Ngunnawal Elders Council to be transferred to the Environment and Planning Directorate (EPD) to more effectively engage with local Aboriginal custodians on cultural and heritage matters, including NRM issues.
Recommendation 12	6.66 The Elected Body recommends that the ACT Government, in response to the cessation of Commonwealth funding for the Indigenous Education Consultative Body, fund the Consultative Body by way of the Education and Training Directorate's annual budgetary appropriation.
Recommendation 13	7.53 The Elected Body recommends that the Indigenous status of detainees entering the Alexander Maconochie Centre be determined on the basis of the following conventionally-accepted criteria identified by the Australian Institute of Aboriginal and Torres Strait Islander Studies, as follows: <ul style="list-style-type: none">■ being of Aboriginal or Torres Strait Islander descent■ identifying as an Aboriginal or Torres Strait Islander person■ being accepted as such by the community in which you live, or formerly lived.
Recommendation 14	7.63 The Elected Body recommends that ACT Policing create a more sustainable structure, with greater depth and redundancy for functions, currently being performed by the designated Aboriginal Liaison Officer such as consulting with the ACT Aboriginal and Torres Strait Islander community.



Recommendation 15	8.44 The Elected Body recommends that the Territory and Municipal Services Directorate (TAMS) improve public transport links to the ACT Aboriginal and Torres Strait Islander Cultural Centre and that the Cultural Centre be added as a destination on services to the National Arboretum.
Recommendation 16	8.54 The Elected Body recommends that TAMS outline a timeline for, and work expeditiously toward, formulating and adopting a Directorate Reconciliation Action Plan before the end of the 2015–16 reporting period.
Recommendation 17	9.49 The Elected Body recommends that all ACT Government Directorates record, track, and publish data on the retention of Aboriginal and Torres Strait Islander employees in their first, second, third, fourth and fifth year of employment with the agency.
Recommendation 18	9.52 The Elected Body recommends that ACT Health investigate and report on lower retention rates for Aboriginal and Torres Strait Islander staff in the fourth and fifth year of their employment with the Directorate.



1 BACKGROUND

Introduction

- 1.1 The Aboriginal and Torres Strait Islander Elected Body Hearings were held on 3–4 December 2014 at the Legislative Assembly for the ACT.
- 1.2 This was the fifth Hearings process conducted by the Elected Body.
- 1.3 The 'Hearings process' refers to a series of hearings in which members of the Elected Body ask questions of officers of ACT Government agencies. The hearings are modelled on estimates processes in the Legislative Assembly for the ACT and the Senate.
- 1.4 An important difference of the Elected Body hearing process is that Section 26 of the *Aboriginal and Torres Strait Islander Elected Body Act 2008* empowers the Elected Body to compel witnesses to appear before it in hearings.² Other officers of government agencies appear in a capacity of assisting the executive officer to answer questions and provide information under this section of the Act.³
- 1.5 In Legislative Assembly estimates hearings it is usual for government Ministers to appear and be assisted by officers of government agencies. This difference is significant in that Ministers of government may, by convention, be asked questions about government policy, whereas officers of government agencies are not, and have a right to refuse to answer if such questions are put to them.

Structure of the report

- 1.6 Government agencies that appeared before the Elected Body are considered in this report in the chronological order of their appearance listed below. There is a chapter heading for each of the agencies that appeared, in the order in which they appeared, as follows:
 - Chief Minister, Treasury and Economic Development Directorate
 - Community Services Directorate
 - Environment and Planning Directorate
 - Education and Training Directorate, including:
 - Canberra Institute of Technology
 - Justice and Community Safety Directorate, including:
 - ACT Corrective Services
 - ACT Emergency Services Agency
 - ACT Policing
 - Territory and Municipal Services Directorate
 - Health Directorate.
- 1.7 Each chapter first considers Directorate answers to the Elected Body's generic questions, followed by an account of selected matters discussed at the hearings.

² *Aboriginal and Torres Strait Islander Elected Body Act 2008*, Section 26 (1), available at: www.legislation.act.gov.au/a/2008-12/current/pdf/2008-12.pdf

³ *Aboriginal and Torres Strait Islander Elected Body Act 2008*, Section 26 (2).

- 1.8 The headings under which they are considered match the Elected Body's generic questions, as follows:
- 'Improve the lives of Aboriginal and Torres Strait Islander people', reflecting the Elected Body's first generic question
 - 'Capture data on interactions with Aboriginal and Torres Strait Islander people', reflecting the second generic question
 - 'Promote Aboriginal and Torres Strait Islander employment', reflecting the third generic question
 - 'Consult when developing programs and services', reflecting the fourth generic question
 - 'Increase Aboriginal and Torres Strait Islander economic participation', reflecting the fifth generic question
 - 'Engage with ATSIEB', reflecting the sixth generic question.
- 1.9 At the end of each chapter there is a section titled 'ATSIEB Comment' which puts the view of the ATSIEB on the evidence presented in the body of the chapter.
- 1.10 Individual witnesses from each of the Directorates are listed in Appendix A.
- 1.11 A copy of the Elected Body's generic questions is provided in Appendix B.



2 FRAMEWORK

Introduction

2.1 The framework for the work of the Elected Body is set out in key documents, including:

- United Nations Declaration on the Rights of Indigenous Peoples
- *Aboriginal and Torres Strait Islander Elected Body Act 2008* (ACT)
- *Human Rights Act 2004* (ACT)
- *Heritage Act 2004* (ACT)
- other documents, agreements and reports, as listed.

2.2 These are considered below.

United Nations Declaration on the Rights of Indigenous Peoples

2.3 The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) asserts the rights of Indigenous peoples in 46 Articles.⁴ Some of the articles assert rights consistent with other groups: that is, that the rights of Indigenous peoples should not be less than those of others by virtue of Indigenous status. Others assert rights of Indigenous peoples to maintain a distinctive presence and culture (such as in Articles 9 and 11) while retaining membership of the wider nation (Article 6). This second group of Articles largely asserts a right to self-determination (Articles 3 and 4), and cultural, religious, and political distinctiveness (Articles 11, 12 and 13, among others), the principle of which flows into rights asserted for Indigenous peoples to have their own 'educational systems and institutions' (Article 14), to have their culture acknowledged in the broader provision of education to others (Article 15), and to establish 'their own media in their own languages' (Article 16).

2.4 Other Articles include those which assert the right for Indigenous peoples not to be forcibly removed from their lands or territories (Article 10), and the right for Indigenous peoples to be consulted by governments and to be represented by their chosen representatives in those consultations (Articles 18, 19 and 23). Further articles assert the rights of Indigenous peoples over their cultural heritage and traditional knowledge (Article 31); assert the right of Indigenous peoples to access the international human rights law framework, including the Declaration, of which the Declaration is the foundation (Articles 34, 38 etc.), and to have access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes' (Article 40).

⁴ United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), available at: www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

Aboriginal and Torres Strait Islander Elected Body Act 2008

2.5 The ACT *Aboriginal and Torres Strait Islander Elected Body Act 2008* creates the Elected Body, determines its membership and method of election, and sets out procedures for the Elected Body to conduct its business.

2.6 In greater detail, it sets out, among other things:

- the Objects of the Act, in s4
- the Establishment and Functions of the ATSIEB, including s8 'Functions of ATSIEB', in Division 2.1, including provisions:
 - for the ATSIEB 'to recommend any reasonable action it considers necessary', 'in consultation with UNEC', 'to protect Aboriginal and Torres Strait Islander cultural material or information considered sacred or significant by Aboriginal and Torres Strait Islander people living in the ACT', when 'asked by a government agency or another person' (s8 (j))
 - obliging the ATSIEB to consult with the United Ngunnawal Elders Council (UNEC) (s9)
 - empowering the ATSIEB to communicate with non-government entities in exercising its functions (s10)
 - obliging the ATSIEB to conduct community forums 'on areas of interest to Aboriginal and Torres Strait Islander people living in the ACT', 'at least twice each financial year' (s11), and to take 'reasonable steps' to tell Aboriginal and Torres Strait Islander people living in the ACT within a certain timeframe of the forums (s12)
 - setting out the manner and form of community forums (s13).
- provisions regarding 'ATSIEB members', in Division 2.2, including:
 - the number of members making up a full membership of the ATSIEB, and the period of their holding office (s14);
 - arrangements for the election of a Chair and Deputy Chair of the ATSIEB, due process where the position falls vacant, and length of term (ss 15 & 16); and
 - resignations of members (ss 17 & 18), removal of members (s19); and leave for members (s20).
- sets out a procedural and administrative framework for ATSIEB meetings, in Division 2.3, which must be held 'at least 6 times in a financial year' (s 21 (2));
 - this includes 'Executive officer at ATSIEB meeting', which provides the statutory mechanism under which Directors-General and other heads of government agencies appear before the ATSIEB in the hearings which are the subject of this report (s 26)
- sets out a procedural and administrative framework for ATSIEB elections, in Division 2.3, including:
 - references to provisions in the *Electoral Act 1992* (ss 28 & 31 and also Schedule 1, Modifications of Electoral Act as applied to ATSIEB elections);
 - timelines for the electoral process for the ATSIEB (s 29); and
 - the involvement of the ACT Electoral Commission, including an obligation on the Commission to 'tell electors and people entitled to be electors' about the ATSIEB election and related matters (s 30), and defining eligibility for persons standing as a candidate (s 30 (1)(b)) or voting in the ATSIEB elections (s 30 (1)(c)).



Human Rights Act 2004

- 2.7 The *Human Rights Act 2004* gives statutory effect to provisions of the *International Charter for Civil and Political Rights*, as set out in Schedule 1 of the Act.⁵
- 2.8 Schedule 2 of the Act sets indicates that s 27A of the Act, providing a right to education, gives statutory effect to a provision of the International Convention on Economic, Social and Cultural Rights.⁶
- 2.9 In its present form the Act focuses primarily on the Civil and Political rights set out in Part 3, which include assertions of the right to equality before the law; right to life; protection from torture; and the right to privacy and reputation, among others (Sections 8, 9, 10 and 11).
- 2.10 The Act sets out limits on human rights in Part 3B and, in Part 4, provides direction on the interpretation of laws in light of the Human Rights Act. In Part 5, the Act provides that the Attorney-General must prepare a written statement for each bill, regarding whether the bill is or is not consistent with the Act (Section 37), and that 'the relevant standing committee' of the Legislative Assembly must consider, for all new Bills, whether Bills are consistent with the Act (Section 38).
- 2.11 Part 5A of the Act indicates that obligations created by the Act are binding on public authorities. In this part, the Act also provides mechanisms for instances where laws of the Territory are found to be in conflict with the Human Rights Act.
- 2.12 Provisions making reference to Aboriginal and Torres Strait Islander peoples in the current Act include the seventh item of the Preamble to the Act, which states that:
- Although human rights belong to all individuals, they have special significance for Indigenous people—the first owners of this land, members of its most enduring cultures, and individuals for whom the issue of rights protection has great and continuing importance.⁷
- 2.13 The other part of the present Act which has specific relevance to Aboriginal and Torres Strait Islander people is Section 27, 'Rights of minorities', which states that:
- Anyone who belongs to an ethnic, religious or linguistic minority must not be denied the right, with other members of the minority, to enjoy his or her culture, to declare and practise his or her religion, or to use his or her language.⁸

5 Schedule 1, *Human Rights Act 2004* (ACT), pp.28–29, available at: www.legislation.act.gov.au/a/2004-5/default.asp

6 Schedule 2, *Human Rights Act 2004*, p.30.

7 *Human Rights Act 2004*, Preamble, Item 7.

8 *Human Rights Act 2004*, Section 27.



Heritage Act 2004

- 2.14 The *Heritage Act 2004* (ACT) has significance for the Aboriginal and Torres Strait Islander peoples of the ACT, in that it provides specific protection for Aboriginal objects and places, and requires consultation with Representative Aboriginal Organisations (RAOs) before certain actions can be taken.
- 2.15 The objects of the Act are set out in Section 3 as follows:
- (a) to establish a system for the recognition, registration and conservation of the following:
 - (i) places and objects that have natural heritage significance
 - (ii) places and objects that have cultural heritage significance
 - (iii) Aboriginal places and objects
 - (b) to establish the heritage council
 - (c) to provide for heritage agreements to encourage the conservation of heritage places and objects
 - (d) to establish enforcement and offence provisions to provide greater protection for heritage places and objects
 - (e) to provide a system integrated with land planning and development to consider development applications having regard to the heritage significance of places and heritage guidelines. The Act sets out a number of provisions relevant to Aboriginal and Torres Strait Islander peoples in the ACT.⁹
- 2.16 These include sections of the Act which:
- define the terms 'Aboriginal object', 'Aboriginal place' and 'Aboriginal tradition' in Section 9
 - provide that a 'representative Aboriginal organisation' is an 'interested person' under the Act, under Section 13
 - define 'representative Aboriginal organisation', under Section 14
 - provide that the Heritage Council created under the Act must 'consult each representative Aboriginal organisation about an Aboriginal place or an Aboriginal object before making a decision about registration under division 6.1 (Provisional registration) for the place or object, under Section 31
 - require that representative Aboriginal organisations be consulted:
 - in connection with any proposal to remove an Aboriginal place or object from the Heritage Register, (that is, a 'cancellation proposal), under Section 45
 - when 'Assessing heritage significance of reported Aboriginal places and objects' under Section 53 and
 - before the relevant Minister declares 'a place to be a repository for Aboriginal objects', under Section 53B.

9 *Heritage Act 2004* (ACT), s 3, available at: www.legislation.act.gov.au/a/2004-57/current/pdf/2004-57.pdf

Other documents, agreements and reports

2.17 Other relevant documents, agreements and reports include:

- the *Employment Strategy for Aboriginal and Torres Strait Islander People*, ACT Commissioner for Public Administration 2011–15¹⁰
- Reconciliation Action Plans (RAPs) for each ACT Government Directorate or agency. RAPs are formulated under the auspices of Reconciliation Australia.
- *National Partnership Agreement on Indigenous Economic Participation* (2009)¹¹
- *Implementation Plan for National Partnership Agreement on Indigenous Economic Participation between the Commonwealth Of Australia and the Australian Capital Territory*¹²
- 2014 Indigenous Expenditure Report, Productivity Commission¹³
- *Overcoming Indigenous Disadvantage: Key Indicators 2014*, Productivity Commission.¹⁴

Elected Body comment

2.18 The Elected Body is pleased to note the strength of the developing formal framework for its operations, and for processes affecting Aboriginal and Torres Strait Islander people more generally in the ACT.

2.19 The existence of the elements of the framework described in this chapter, together with the creation and ongoing role of the Elected Body itself represents, in the view of the Elected Body, a significant opportunity to respond to and resolve longstanding issues which have affected Aboriginal and Torres Strait Islander peoples in the ACT, as they have elsewhere.

2.20 The Elected Body looks forward to future Acts, amendments, reports and agreements that could further develop this formal framework.

2.21 At the same time, the Elected Body notes the importance of maintaining the currency of elements of the framework, in particular the Closing the Gap process discussed in Chapter 3.

10 *Employment Strategy for Aboriginal and Torres Strait Islander People*, Commissioner for Public Administration 2011–2015, available at: www.cmd.act.gov.au/__data/assets/pdf_file/0007/202894/atststrategy.pdf

11 *National Partnership Agreement on Indigenous Economic Participation* (2009), available at: www.federalfinancialrelations.gov.au/content/npa/skills/economic_participation/national_partnership.pdf (to be read in conjunction with the *Intergovernmental Agreement on Federal Financial Relations*, www.federalfinancialrelations.gov.au/content/intergovernmental_agreements/IGA_federal_financial_relations_aug11.pdf)

12 *Implementation Plan for National Partnership Agreement on Indigenous Economic Participation between the Commonwealth Of Australia and the Australian Capital Territory*, available at: www.federalfinancialrelations.gov.au/content/npa/skills/economic_participation/ACT_IP.pdf

13 *2014 Indigenous Expenditure Report*, Productivity Commission, available at: www.pc.gov.au/research/ongoing/indigenous-expenditure-report/indigenous-expenditure-report-2014/indigenous-expenditure-report-2014.pdf

14 *Overcoming Indigenous Disadvantage: Key Indicators 2014*, Productivity Commission, available at: www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/key-indicators-2014/key-indicators-2014-report.pdf

3 CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE



Introduction

- 3.1 Officers of the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) appeared before the Elected Body in hearings of 3 December 2014.
- 3.2 The Directorate's responses to the Elected Body's generic questions, and selected witness testimony from hearings, are considered below.

Improve the lives of Aboriginal and Torres Strait Islander people

Written response

- 3.3 The Directorate's written response to the Elected Body's first generic question was as follows:

The Chief Minister, Treasury and Economic Development Directorate (CMTEDD) is committed to improving the lives of Aboriginal and Torres Strait Islander people in the ACT.

Of particular note is the work undertaken to support Aboriginal and Torres Strait Islander employment in the ACT Public Service (ACTPS). ACTPS has a particular focus on the employment of Aboriginal and Torres Strait Islander people to assist in the development of a diverse workplace that will have good communication with its clients, based on a deep understanding of the needs of the community.

Below are a number of CMTEDD initiatives aimed at improving the lives of Aboriginal and Torres Strait Islander People.

Amendments to the ACTPS Enterprise Agreements

To promote Aboriginal and Torres Strait Islander employment, the definition of Immediate Family under all ACTPS enterprise agreements now recognises a person related to the employee by Aboriginal and/or Torres Strait Islander kinship structures. This enables Aboriginal and Torres Strait Islander employees to access all leave types available which identify either immediate or extended family status.

Each ACTPS enterprise agreement also provides additional leave for Aboriginal and Torres Strait Islander employees to attend Aboriginal and Torres Strait Islander ceremonies, and for attending representative meetings in the capacity of an elected representative of the Aboriginal and Torres Strait Islander peak body.

ACTPS enterprise agreements recognise and encourage the contribution of people with diverse backgrounds, experiences and skills to the workplace.

Designated positions

To align with the terminology used by the Commonwealth Government, the amendments to the *Public Sector Management Act 2006* were made to change terminology previously used in the ACT Public Service to identify a position restricted to Aboriginal and Torres Strait Islander persons from an 'Identified Position', to a 'Designated Position'.



Respect Equity and Diversity Framework (RED Framework)

The RED Framework was implemented in 2010 and aims to assist in the provision of a workplace that enables equal employment opportunities for all applicants and employees. The RED Framework highlights the fundamental importance of each ACTPS employee acting in a way that respects the 'inherent dignity of the person'. It also implements actions to assist in developing and maintaining a positive, respectful work culture that encourages equity and diversity for all employees.

Some initiatives coming out of the RED Framework promoting diversity include:

- the availability of cultural training to managers and staff to increase the cultural competency of employees in the ACTPS
- whole-of-government promotion and celebration of relevant annual Aboriginal and Torres Strait Islander events including National Aboriginal and Islander Day Observance Committee (NAIDOC) Week celebrations and Reconciliation Week activities.

ACTPS Employment Strategy for Aboriginal and Torres Islander People

An element of the RED Framework is the *ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People*, which was launched in April 2011. The strategy aims to make the ACTPS an attractive workplace for Aboriginal and Torres Strait Islander People to seek employment. The strategy aims to more than double, by 2015, the employment of Aboriginal and Torres Strait Islander people, in the ACTPS.

Graduate Program

On a yearly basis, the CMTEDD coordinates a whole-of-government Graduate Program to recruit graduates from a range of employment streams, once having completed a minimum three-year bachelor degree. The program runs for ten months, and is a full-time program. Commencing in February, the program builds on academic achievements, developing both personal and professional skills. Each year and when advertised, the ACTPS acknowledge that some positions within the program are designated positions and will be filled only by Aboriginal and Torres Strait Islander People, or People with a Disability.

Tourism Initiatives

VisitCanberra publishes 180,000 Canberra visitor guides each year. The guide includes a dedicated section on the local Aboriginal and Torres Strait Islander experience. VisitCanberra is also working with TAMS Directorate in relation to Murrabung tours and supporting the industry.

Economic Development has been working with the Elected Body representative to advance eco-tourism opportunities at ACT Government-run assets such as Tidbinbilla Nature Reserve. They have also been considering how to communicate the story of Ngunnawal country through main visitor information distribution points.

- a Does your Directorate provide regional services for Aboriginal and Torres Strait Islander people? Not applicable.
- b If your Directorate does provide regional services have these been impacted on service delivery due to the last federal budget cuts? Not applicable.¹⁵

¹⁵ Chief Minister, Treasury and Economic Development Directorate, response to ATSIEB generic questions 2014 (unpaginated).



Hearings

3.4 Matters relevant to the Elected Body's first generic question were considered in hearings of 3 December 2014.

Indigenous expenditure and Overcoming Indigenous Disadvantage

3.5 In hearings, the Elected Body asked the question:

What assistance can your Directorate provide to enable the elected body to analyse specific expenditure and consider whether investments are meeting the community needs and priorities?¹⁶

3.6 In response, the Under Treasurer told the Elected Body he was very happy to think about ways we can do this. He went on to say:

One thing that comes immediately to mind is whether we can work together to identify areas of interest to you, because even we struggle with evaluating the effectiveness of every dollar spent across government, so we have to prioritise where we put our efforts.¹⁷

3.7 He went on to say that:

I think in this space, as I said, my first reaction is let us talk together and see where your priorities are and we can align our priorities with yours and work together, to the extent that we can, to look at these issues. We are very keen to improve the effectiveness of every dollar we spend, I can assure you, from the Under-Treasurer's point of view.¹⁸

3.8 The Executive Director, Strategic Policy and Cabinet, also responded, providing further detail and views on reports on Indigenous expenditure. In connection with this he told the Elected Body:

I sit on the steering committee on the report of government services, and the Indigenous expenditure report is one of those publications. I have said to board members, but I will say it again because we have got new members, that it is a really complex report and it is really difficult to understand. There are probably about two people in Treasury that understand it, maybe three people in Australia that actually understand it. But, that said, when it is released on the 12th... there is a little bit of a hullabaloo: why are we spending all this money on Indigenous people? Certain commentators say that and then other more, I suppose, policy minds say, 'What is behind those numbers?'.¹⁹

3.9 Regarding this, he told the Elected Body that the report on Indigenous expenditure was really a companion document to the OID [the *Overcoming Indigenous Disadvantage* report], and that the OID sort of shows and tries to evaluate and mark progress in policy outcomes, while the expenditure report is really an input measure: how much cash is going in.²⁰

3.10 In relation to the coming Indigenous expenditure report, he told the Elected Body that:

When it comes out in a couple of weeks, this will be the third report and I think we as a government are getting better at identifying programs of Indigenous expenditure. So the headline figure will be a larger figure than the previous report, and that will be a larger figure than the report prior to that. That is probably because, one, the government is investing more in Indigenous services and, two, we are also getting better at identifying those costs.²¹

16 ATSIIEB, Transcript of Evidence, 03-12-14, p.9.

17 Mr David Nicol, ATSIIEB, Transcript of Evidence, 03-12-14, p.9.

18 Mr David Nicol, ATSIIEB, Transcript of Evidence, 03-12-14, pp.9-10.

19 Mr Geoffrey Rutledge, ATSIIEB, Transcript of Evidence, 03-12-14, p.10.

20 Mr Geoffrey Rutledge, ATSIIEB, Transcript of Evidence, 03-12-14, p.10.

21 Mr Geoffrey Rutledge, ATSIIEB, Transcript of Evidence, 03-12-14, p.10.



3.11 The Director went on to make further comment on the two reports:

Rather than checking those inputs, how do we evaluate the outcomes of that money spent? That is where I think the work of the overcoming Indigenous disadvantage report is actually the more meaningful of the two reports, in that that is actually measuring progress.

The report comes out every two years. It will come out in a couple of weeks. We will no doubt put together some further analysis for you, but I would, I suppose, plead, recommend that we spend more of our time trying to work out how we evaluate, rather than spend time working out what inputs we put in, because those inputs are going up. But what is interesting is: are we inputting that cash into the right programs?²²

3.12 It was in relation to this question, he told the Elected Body, that the the work of the elected body and the advice of the elected body are more valuable to government, while the input measures that are understood by the economists at the Productivity Commission and a few people in Treasury are of less interest and of less value to government as a whole.²³

3.13 During discussion, the Under Treasurer and the Executive Director gave undertakings that they would conduct workshops with the Elected Body on matters relevant to ACT budgeting and Indigenous expenditure.²⁴

Capture data on interactions with Aboriginal and Torres Strait Islander people

Written response

3.14 The Directorate's written response to the Elected Body's second generic question was as follows.

Population data

Short fact sheets on the characteristics of the population of the ACT based on the 2011 census are provided on the CMTEDD website. There are two that relate specifically to the ACT Aboriginal and Torres Strait Islander population:

Aboriginal and Torres Strait Islander peoples in the ACT

Indigenous, citizenship, regions of birth, dwellings and households Employment Data is reported on Aboriginal and Torres Strait Islander employees in the State of the Service Report, published by the Commissioner for Public Administration.

The Report includes workforce data on the number of Aboriginal and Torres Strait Islander people employed in the ACTPS (and wider ACT public sector) by headcount and Full Time Equivalent (FTE) employees. It also includes the number of employees by Directorate; age in generations; employment type; average salary; and separation rates.²⁵

22 Mr Geoffrey Rutledge, ATSIEB, Transcript of Evidence, 03-12-14, pp.10–11.

23 Mr Geoffrey Rutledge, ATSIEB, Transcript of Evidence, 03-12-14, p.11.

24 Mr David Nicol, ATSIEB, Transcript of Evidence, 03-12-14, p.9, Mr Geoffrey Rutledge, ATSIEB, Transcript of Evidence, 03-12-14, p.11.

25 Chief Minister, Treasury and Economic Development Directorate, response to ATSIEB generic questions 2014 (unpaginated).



Hearings

- 3.15 The primary matters considered by the Elected Body in hearings with officers of CMTEDD were those engaged in the discussion of Indigenous expenditure and Overcoming Indigenous Disadvantage reports, considered in connection with the Elected Body's first generic question above.

Promote Aboriginal and Torres Strait Islander employment

Written response

- 3.16 The Directorate's response to the Elected Body's third generic question was as follows.

Whole-of-government advertising is facilitated by Shared Services on the Jobs ACT website. However, the review of the RED Framework seeks to establish closer ties with community organisations to better promote employment opportunities for Aboriginal and Torres Strait Islander People.

a. What are the current Aboriginal and Torres Strait Islander levels in your Directorate?

CMTEDD employment levels

Under a voluntary notification arrangement, there are 20 employees within CMTEDD who have identified as Aboriginal or Torres Strait Islander. Of these, 13 employees hold administrative positions, while two are in the professional/public affairs classification stream, and five employees are ICT Technical Officers.

Whole ACTPS employment levels

The *2014 State of the Service Report* outlines that, as at 30 June 2014, the proportion of the ACTPS workforce composed of Aboriginal and Torres Strait Islander people was 253 employees, or 1.2 per cent of the workforce.

b. Of those levels how many of Aboriginal and Torres Strait Islander people hold senior levels within your Directorate?

CMTEDD employment levels

Six employees (from the above) hold senior positions, being three at the Senior Officer Grade B (SOG B), one Senior Officer Grade C (SOG C), one Senior Information Technology Officer Grade C, and one Senior Professional Officer Grade A.

Whole ACTPS employment levels

The *2014 State of the Service Report* outlines, as at 30 June 2014, there were two Aboriginal and Torres Strait Islander people that hold senior executive positions within the ACTPS (note that this figure is based on a person engaged by the ACTPS under an executive contract). There were also 27 Senior officers in the ACTPS classified at the SOG A, SOG B and SOG C levels.



c. How does your Directorate support your Aboriginal and Torres Strait Islander staff, such as Leadership, Training and Development and Mentoring?

CMTEDD support

All employees, including those we are reporting on, participate in regular performance and development conversations, which provide the opportunity to discuss potential training, mentoring and other strategies for professional development.

Whole ACTPS support

Training is available via the Shared Services Training calendar to all ACT Public Service staff. In particular, the calendar provides for a training program to increase Aboriginal and Torres Strait Islander cultural understanding across the Service.

The review of the RED Framework will seek to consider the current methodology used for this program, and ways to better enhance understanding at a whole-of-government level.

Employment strategies

The development of practical whole-of-government programs will be a priority as part of a renewed focus on this area of employment, including:

- identifying champions to drive the importance of the employment strategy
- bringing innovation to systemic thinking relating to the employment of Aboriginal and Torres Strait Islander people
- developing a new Indigenous Traineeship, learning from past programs, with a guaranteed job at completion
- strengthening the voice of the Indigenous staff network
- scoping of mentoring, cadetship and secondment programs
- better promoting whole-of-government programs within the community
- developing employment strategies in consultation with community organisations.²⁶

Hearings

- 3.17 In hearings of 3 December 2014 the Elected Body asked officers of CMTEDD questions regarding employment of Aboriginal and Torres Strait Islander people in the ACT Public Service (ACTPS). In particular the Elected Body asked the officers to comment on the ACT Respect, Equity and Diversity (RED) Framework and missed targets for employment of Aboriginal and Torres Strait Islander people in the ACTPS.²⁷
- 3.18 In responding to questions, the Acting Deputy Director-General, Workforce Capability and Governance Division, advised the Elected Body on the progress of a review of the RED Framework. She told the Elected Body that she expected to have a report of the review later in the same week as hearings, and that CMTEDD were very mindful that we need to have a set of actions and strategies for how we go forward in a really practical way with all the Directorates.²⁸

²⁶ Chief Minister, Treasury and Economic Development Directorate, response to ATSIEB generic questions 2014 (unpaginated).

²⁷ ATSIEB, Transcript of Evidence, 03-12-14, p.2.

²⁸ Ms Bronwen Overton-Clarke, ATSIEB, Transcript of Evidence, 03-12-14, p.3.



- 3.19 At this point the Elected Body noted the importance of two matters. The first was whether there would be further efforts to encourage Directors-General to ensure that employment target for Aboriginal and Torres Strait Islander people were met. The second was about career development and pathways, about providing more than entry-level opportunities so that Aboriginal and Torres Strait Islander people would have access to senior management positions where they were able to influence decisions, and make this part of the decision-making.²⁹
- 3.20 In responding, the Acting Deputy Director-General told the Elected Body that there had been some confusion this year around — even at entry level and that we need at all different levels to have an emphasis [on increasing employment for Aboriginal and Torres Strait Islander people in the ACT public sector]. In light of this, she told the Committee:
- So we need to have a greater push in terms of the graduates around how we get entrants in at that level. It is one thing to bring them in at a lower level and having different pathways, but at all levels we need to make sure that we have a really concerted effort on bringing staff in at different levels. The graduate program is an avenue to ensure that we have senior representation in a more accelerated way. So we are looking at all of those levels.³⁰
- 3.21 The Director-General of CMTEDD and Head of Service also responded to the questions. She told the Elected Body that she considered this an important issue, and noted that there had been a lot of discussions about how we can make that quantum leap.³¹
- 3.22 She went on to say that she had been quite disappointed when she realised where the figures were at this year and that it was not something we could turn around within this period. However, she told the Elected Body, there were also more positive developments, such as bringing the traineeship program back into the central agency.³²
- 3.23 This, she told the Elected Body just [made] sense, when we are doing whole-of-government employment . . . [so that] we can make sure there is a real focus on it.³³
- 3.24 She told the Elected Body that CMTEDD and the ACTPS as a whole were certainly very keen to make that difference and to actually talk numbers with directors-general and work out practical ways that we can lift our numbers.³⁴

Consult when developing programs and services

Written response

- 3.25 The Directorate's response to the Elected Body's fourth generic question was as follows.

'Engaging Canberrans', the ACT Government's guidelines for community engagement, contains detailed information on how to effectively consult with members of the local Aboriginal and Torres Strait Islander community. The guidelines place particular emphasis on understanding and respecting community structures and cultural diversity, and recognising cultural values, perspectives, knowledge and life experiences.

29 ATSIIEB, Transcript of Evidence, 03-12-14, p.3.

30 Ms Bronwen Overton-Clarke, ATSIIEB, Transcript of Evidence, 03-12-14, p.3.

31 Ms Kathy Leigh, ATSIIEB, Transcript of Evidence, 03-12-14, p.4.

32 Ms Kathy Leigh, ATSIIEB, Transcript of Evidence, 03-12-14, p.4.

33 Ms Kathy Leigh, ATSIIEB, Transcript of Evidence, 03-12-14, p.4.

34 Ms Kathy Leigh, ATSIIEB, Transcript of Evidence, 03-12-14, p.4.



The guidelines stress the importance of seeking advice from existing Aboriginal and Torres Strait Islander bodies and networks, including the Elected Body, when determining how best to involve the local Aboriginal and Torres Strait Islander community in the consultation process.

In developing programs and services, CMTEDD engages and consults with the Elected Body, relevant ACT service providers such as Gugan Gulwan Youth Aboriginal Corporation and Winnunga Nimmityjah Aboriginal Health Service and also with the Office for Aboriginal and Torres Strait Islander Affairs in the Community Services Directorate.

CMTEDD representatives have regular opportunity to engage with members of the Elected Body to raise issues of mutual interest.

CMTEDD representatives also sit on various whole-of-government working groups and participate in across Directorate consultation workshops such as those held for the development of the *Aboriginal and Torres Strait Islander Whole-of-Government Agreement*.³⁵

Hearings

Discussion of changes to administrative responsibilities for Jervis Bay

3.26 Matters of consultation with Aboriginal and Torres Strait Islander people were raised in hearings of 3 December 2014, where the Elected Body asked questions about the position of Aboriginal and Torres Strait Islander people at Jervis Bay.³⁶

3.27 Initially, the Elected Body asked for an update on progress on cross-border negotiations between the Commonwealth, New South Wales and the ACT regarding administrative responsibility for the Jervis Bay community, which is currently held by the ACT.³⁷

3.28 In response, the Director-General and Head of Service, CMTEDD, told the Elected Body that:

First of all, the Chief Minister has been very clear that she wants to ensure that there is no disadvantage to the Aboriginal community in Jervis Bay. It has been of some concern to her and she has raised that nationally as well.

In terms of the actual process, we have been having discussions for quite a long period about what is the best way to ensure services to that community. There are real disadvantages for the community of being serviced from the ACT just in terms of the geographical distance, and that means that people are not there on the spot to support the community.

As you know, those discussions have been going on with the Commonwealth and New South Wales about what the best model is to resolve that. I understand that the draft report on that is likely to be released quite soon. The Chief Minister is happy for that to be released as soon as the other ministers have agreed, and I understand the process is underway at the moment to get that agreement. We would like to get that out so that we can then discuss the content and the issues.³⁸

3.29 The Elected Body then asked about the degree to which Aboriginal and Torres Strait Islander people in Jervis Bay had been consulted in connection with these discussions.³⁹

35 Chief Minister, Treasury and Economic Development Directorate, response to ATSIIEB generic questions 2014 (unpaginated).

36 ATSIIEB, Transcript of Evidence, 03-12-14, p.7.

37 ATSIIEB, Transcript of Evidence, 03-12-14, p.7.

38 Ms Kathy Leigh, ATSIIEB, Transcript of Evidence, 03-12-14, p.7.

39 ATSIIEB, Transcript of Evidence, 03-12-14, p.7.



3.30 In responding, the Deputy Director-General, Policy and Cabinet Division, told the Elected Body that:

The community was certainly engaged. There were quite a number of roundtables—I went down for some of those consultations—in the territory. It was a series of question and answer sessions. I think New South Wales and Commonwealth officials also attended those. It was an opportunity for the community and members of the community to ask questions about what the future might hold, to assist officials in framing the document which will then go out to consult on the options that governments have for the future service delivery. So there was ongoing engagement.⁴⁰

3.31 He went on to say that:

I understand the process going forward is to release that document, again going out for consultation to assist governments in taking a decision on the option going forward and then, following the decision being taken, there will be a further round of community consultation on the implementation mechanisms for giving effect to whatever that decision may be.⁴¹

3.32 At this point the Elected Body noted concerns in the Jervis Bay community about a particular school and its continuing operation.⁴²

3.33 In response, the Deputy Director-General told the Elected Body that:

Certainly the school has been front of mind in terms of the discussions that have taken place. It was an issue that was consistently raised. It is fair to say that the community places a great deal of importance on the role of the school within the community, which seems to be broader than just that general education role.

In terms of the future of the school, it is fair to say that no decisions have been taken on what would happen with that school. I know the Chief Minister has made it very clear that she supports the operations of the school. She has certainly written to the Prime Minister raising that very point and drawing his attention to some of the successes in terms of kids attending class and then getting results from that. She is thinking about that as well.⁴³

Boomanulla Oval

3.34 In hearings of 3 December 2014 the Elected Body asked questions regarding progress toward new arrangements for Boomanulla Oval.⁴⁴

3.35 In responding, the Director-General told the Elected Body:

I appreciate the fact we have been able to engage very much with the elected body on this very, very important issue. We recognise the importance of the oval to the Indigenous community and that has been our priority right through. I appreciate that you have worked with us as well to try and resolve that particular issue.⁴⁵

3.36 The Director, Sport and Recreation Services, also responded. She told the Elected Body:

In terms of where we are at, we have mentioned the Indigenous advancement strategy and the fact we have a continuation of the old funding application rebadged under the Indigenous advancement strategy. We also signalled to the Commonwealth a number of months ago in initial discussions leading up to

40 Mr Dave Peffer, ATSIIEB, Transcript of Evidence, 03-12-14, p.7.

41 Mr Dave Peffer, ATSIIEB, Transcript of Evidence, 03-12-14, p.8.

42 ATSIIEB, Transcript of Evidence, 03-12-14, p.8.

43 Mr Dave Peffer, ATSIIEB, Transcript of Evidence, 03-12-14, p.8.

44 ATSIIEB, Transcript of Evidence, 03-12-14, p.16.

45 Mr David Dawes, ATSIIEB, Transcript of Evidence, 03-12-14, p.16.



us putting our application in and subsequent to that, since there has been an evolution of things with ACSRA's [the Aboriginal Corporation for Sporting and Recreational Activities] situation, that we might come back with some additional emergency funding applications. We have put that marker into the system and flagged it as well as it being part of our application.

So funding application in and a marker that there may be a need to come back and ask for some additional funding. If we were to do that, the focus would be on capital upgrade funding to ensure we get the oval back to a state that is able to be safe and fit for purpose.⁴⁶

3.37 She told the Elected Body that the Directorate had had:

Further discussions with both the Commonwealth and the Office of the Registrar of Indigenous Corporations. As recently as this morning I have spoken to both the federal Commonwealth agency people and also with ORIC. We are currently looking to schedule a meeting over the next couple of weeks.⁴⁷

3.38 Regarding this process, she told the Elected Body, it was a little difficult at the time because they have people from their office travelling interstate — Cairns, WA et cetera.⁴⁸

3.39 In view of this, she told the Elected Body:

We are just trying to pin down a date so we can explore what opportunities may sit before us in terms of the current situation with ACSRA and how we can collectively work together and with the ongoing input of the elected body to get to a satisfactory and workable resolution to things.⁴⁹

3.40 She went on to say that:

Until we have those conversations it is a bit hard to anticipate what those outcomes might be. But that is where we are with them. There will be a meeting in the next couple of weeks where we try and crack that nut. I also anticipate we will have some further discussions with the Commonwealth around funding.⁵⁰

3.41 Further complexities arose in that the Indigenous advancement strategy funding announcements have now been deferred until March. On one hand this was a little disappointing but, on the other, may actually provide a window for us to have a bit more input into that process in the meantime.⁵¹

3.42 A further development, the Director told the Elected Body, was work toward the establishment of an interim community working group in response to feedback provided by the Elected Body. She told the Elected Body that the Directorate would put forward some recommendations as to what the appropriate composition of that group might be and have further discussions with our minister's office, and noted that in this instance the Minister for Sport and Recreation was also the Minister for Aboriginal and Torres Strait Islander Affairs.⁵²

3.43 She went on to say that:

We are looking to get the first meeting of that interim working group set up ASAP. We have already looked at some tentative dates to try and get markers in peoples' diaries. It may be a little bit challenging to do that before Christmas in terms of people's movements and the co-chair responsibility which sits with you

46 Ms Jenny Priest, ATSIEB, Transcript of Evidence, 03-12-14, p.16.

47 Ms Jenny Priest, ATSIEB, Transcript of Evidence, 03-12-14, p.16.

48 Ms Jenny Priest, ATSIEB, Transcript of Evidence, 03-12-14, p.16.

49 Ms Jenny Priest, ATSIEB, Transcript of Evidence, 03-12-14, pp.16–17.

50 Ms Jenny Priest, ATSIEB, Transcript of Evidence, 03-12-14, p.17.

51 Ms Jenny Priest, ATSIEB, Transcript of Evidence, 03-12-14, p.17.

52 Ms Jenny Priest, ATSIEB, Transcript of Evidence, 03-12-14, p.17.



and David. So it would be very early in January that we would be doing that if we cannot make it happen beforehand.⁵³

3.44 Overall, she told the Elected Body:

The main focus is on the outcome. We all want to get the right and most sustainable outcome for Boomanulla Oval. That is front and centre in the way we are approaching this and in our ongoing engagement with you and the federal agencies.⁵⁴

3.45 At this point the Director-General also made a further response. He told the Elected Body:

Just to reiterate, I see our role as trying to facilitate a very early outcome. We certainly are there to assist, whether it be ACSRA in the longer term or if there is going to be a new entity that might end up managing the oval. I particularly understand the importance the oval has to the community and we would certainly like to ensure it is passed back to the community as quickly as possible but with the right structures and governance, and what we then can do to assist the body that will take it forward. It is very important.⁵⁵

Increase Aboriginal and Torres Strait Islander economic participation

Written response

3.46 The Directorate's written response to the Elected Body's fifth generic question was as follows.

Indigenous Business Development

Economic Development has and will continue to work with the Aboriginal and Torres Strait Islander Elected Body to identify opportunities to support Aboriginal and Torres Strait Islander enterprise development as articulated in Growth, Diversification and Jobs — A Business Development Strategy for the ACT.

Economic Development has focused on liaising with established services to encourage activity in the ACT as well as creating better linkages with the ACT Government business development program environment. This has included:

- sponsorship of an ACT Aboriginal and Torres Islander Elected Body Economic Development Roundtable
- sponsorship of 2013 and 2014 Indigenous Business of the Year Award
- assisting to facilitate suitable training courses for the Aboriginal Corporation for Sport and Recreational Activities (ACSRA) to address skill needs and competency gaps to improve strategic and operational planning processes
- continuing support by Indigenous Business Australia for workshops conducted in the ACT Region (Queanbeyan) which were attended by ACT and NSW businesses
- assisting with the Strategic Board decision to continue ACT Government Supply Nation membership in an effort to enlist more ACT Aboriginal and Torres Strait Islander businesses.⁵⁶

53 Ms Jenny Priest, ATSIIEB, Transcript of Evidence, 03-12-14, p.17.

54 Ms Jenny Priest, ATSIIEB, Transcript of Evidence, 03-12-14, p.17.

55 Mr David Dawes, ATSIIEB, Transcript of Evidence, 03-12-14, p.18.

56 Chief Minister, Treasury and Economic Development Directorate, response to ATSIIEB generic questions 2014 (unpaginated).



Hearings

3.47 In hearings of 3 December 2014, the Elected Body asked questions regarding strategies and opportunities for the encouragement and utilisation of local Aboriginal and Torres Strait Islander people businesses, particularly in connection with tourism.⁵⁷

3.48 In responding to the question, the Deputy Director, VisitCanberra, Arts, Business, Events, Sport and Tourism Division, told the Elected Body that:

First and foremost the most direct opportunity is for those businesses to have a close working relationship with VisitCanberra. Our role is to undertake a range of marketing issues that help get a message out on behalf of businesses to assist business interaction and to access markets those businesses would not otherwise be able to do themselves. There is a range of things businesses can do working in closely with us, and we encourage them to do that. We do that on a number fronts with Indigenous operations.⁵⁸

3.49 The Deputy Director went on to provide an example in which he discussed Murrumbung Yurung Murra cultural tours:

We have had a number of discussions with the people involved with setting that tour up. Whilst it may not be at the point of being independently commercially viable, direct guidance is provided to the tour operators about being ready to operate as a tourism business and, in particular, a tourism business that can cater to the needs of the international market, which is more highly relevant to the Indigenous businesses.⁵⁹

3.50 At this point the Elected Body noted that there was a strong emphasis by government on Murrumbung Yurung tours and activities at Tidbinbilla Nature Reserve, and asked about the potential of the Aboriginal and Torres Strait Islander Cultural Centre and the impact that has and could have on tourism in the ACT.⁶⁰

3.51 In responding, the Deputy Director told the Elected Body that:

VisitCanberra has had some discussions with the people that operate the cultural centre and certainly made it clear what opportunities are available to promote that cultural centre through VisitCanberra channels. For example, it is free to put a product listing on the Canberra website—which, in the 2013–14 financial year, had nearly two million visitors to it. There are some easily accessible opportunities to help get the message out about a product. All we need is content on what that product is and imagery to support it. Then we can do everything we can to get a message out about it.⁶¹

3.52 In addition, he went on to say, there was:

The Canberra and Region Visitors Centre on Northbourne Avenue; just over 160,000 people a year go through the visitors centre. It is a great way to showcase not only that facility but any Indigenous product to people coming into town who may not have made decisions about what they are going to do. That is a very good way to get some easy conversion and get people to realise what might be on show that they otherwise would not realise.⁶²

57 ATSIIEB, *Transcript of Evidence*, 03-12-14, p.18.

58 Mr Jonathan Kobus, ATSIIEB, *Transcript of Evidence*, 03-12-14, p.19.

59 Mr Jonathan Kobus, ATSIIEB, *Transcript of Evidence*, 03-12-14, p.19.

60 ATSIIEB, *Transcript of Evidence*, 03-12-14, p.20.

61 Mr Jonathan Kobus, ATSIIEB, *Transcript of Evidence*, 03-12-14, p.20.

62 Mr Jonathan Kobus, ATSIIEB, *Transcript of Evidence*, 03-12-14, p.20.



Businesses not engaged in tourism

3.53 The Elected Body also asked about what was being done to encourage and utilise local Aboriginal and Torres Strait Islander businesses that were not engaged in the tourism sector.⁶³

3.54 In responding to the question, the Deputy Director-General, Arts, Business, Events, Sport and Tourism Division, told the Elected Body that:

We have a general policy for growth diversification across the territory. In each of those programs we look for opportunities to tailor the work. We would be looking for opportunities to support Indigenous-specific businesses. The Director-General mentioned the NAIDOC business awards, an opportunity not only for us to recognise those that have succeeded but also, in networking, to identify those that are on the cusp. We can then work out how we tailor a response with our mainstream programs.⁶⁴

3.55 He went on to tell the Elected Body that:

We have recently rebuilt the way that we deliver support to emerging businesses in Canberra. We have established the CBR innovation network. It is designed to help bring bright ideas into commercial reality. Whenever the word 'innovation' is used, people think it has to be new technology or IT. It can be a new way to communicate a message; it can be a new way to mow a lawn. What we are really trying to do is encourage people to come up with ideas, and then put a wrap around them to help them turn that into something viable.⁶⁵

3.56 The Senior Manager, Small Business and Skills, Innovation, Trade and Investment Branch, also responded to the question. She told the Elected Body that she:

[met] regularly with, and have a very good working relationship with, our 2014 NAIDOC business award winner, Dion Devow, from Darkies Design. We are working through a bit of an analysis now, and a bit of a business plan, in terms of where the market gaps exist. At this stage we have 24 identified Indigenous businesses. We have a Supply Nation registration that the ACT Government have facilitated. We are trying to get members on that, because we only have two — as of last week, three, because I managed to get Dion to register also. Dion is helping us work, and I want to help with you people to work, through some of the gaps in the market, in getting our Indigenous businesses into our mainstream support advisory services, which are very strong.⁶⁶

3.57 She went on to tell the Elected Body that she also worked with:

IBA, Indigenous Business Australia, in those workshops and getting our local businesses onto those workshops. We managed to get the last set of workshops close to Canberra. We were having them at the cultural centre, but there was an issue with the transport and the buses to the cultural centre, so we held them in Queanbeyan. We did get some ACT Indigenous businesses attending there.⁶⁷

3.58 At this point the Elected Body noted that Aboriginal and Torres Strait Islander people in business in the ACT had advised that they had not been aware of any workshops framed for their needs.⁶⁸

63 ATSIIEB, *Transcript of Evidence*, 03-12-14, p.21.

64 Mr Gary Rake, ATSIIEB, *Transcript of Evidence*, 03-12-14, p.21.

65 Mr Gary Rake, ATSIIEB, *Transcript of Evidence*, 03-12-14, p.21.

66 Ms Laura Hartley, ATSIIEB, *Transcript of Evidence*, 03-12-14, pp.21–22.

67 Ms Laura Hartley, ATSIIEB, *Transcript of Evidence*, 03-12-14, p.22.

68 ATSIIEB, *Transcript of Evidence*, 03-12-14, p.22.



- 3.59 In response, the Senior Manager told the Elected Body that there had been an identified gap between what IBA delivered and what possibly is needed by Indigenous businesses in Canberra, which was a condensed one or two-day workshop offered independently of the IBA. That, she said, that would be ideal for Canberra businesses.⁶⁹
- 3.60 At this point, the Elected Body asked what Economic Development was doing, independently of IBA to engage Indigenous businesses.⁷⁰
- 3.61 In response, the Senior Manager told the Elected Body:
- We are doing an environment scan. I engage at the moment with Darkies Design, with our NAIDOC winner, to identify the businesses. We are putting a plan together to try to work out how to disseminate information to the Indigenous community. I also have contact with Robyn Forester in the Community Services Directorate, to try to facilitate. We recognise that there is a gap existing in getting the information out there — fact sheets, for example.⁷¹

Elected Body engage with Directorate

Written response

- 3.62 The Directorate's response to the Elected Body's sixth generic question was as follows.

In finalising the recommendations for the review of the RED Framework, it would be of value having strong engagement from the Elected Body. Particular focus will be given to the Elected Body's submission to the recent Inquiry into ACT Public Service Aboriginal and Torres Strait Islander employment.

CMTEDD would be hoping to work with the Elected Body in the development of a CMTEDD Reconciliation Action Plan.⁷²

Hearings

- 3.63 Workshops were discussed at a number of points in hearings of 3 December 2014, in which context it was proposed the Directorate and the Elected Body meet to share information and discuss particular matters, including: the Elected Body's priorities for the budget process;⁷³ the Indigenous Expenditure and Overcoming Indigenous Disadvantage process;⁷⁴ (both in relation to the Elected Body's first generic question) and supporting higher visibility for Indigenous culture at Canberra Airport, particularly in view of anticipated direct international flights to and from Canberra.⁷⁵
- 3.64 Engagement between the Elected Body and the Directorate was also discussed at some length in connection with future plans for Boomanulla Oval, considered above.⁷⁶

69 Ms Laura Hartley, ATSIEB, Transcript of Evidence, 03-12-14, p.22.

70 ATSIEB, Transcript of Evidence, 03-12-14, p.22.

71 Ms Laura Hartley, ATSIEB, Transcript of Evidence, 03-12-14, p.22.

72 Chief Minister, Treasury and Economic Development Directorate, response to ATSIEB generic questions 2014 (unpaginated).

73 ATSIEB, Transcript of Evidence, 03-12-14, pp.8–9.

74 ATSIEB, Transcript of Evidence, 03-12-14, pp.10–11.

75 ATSIEB, Transcript of Evidence, 03-12-14, p.25.

76 See ATSIEB, Transcript of Evidence, 03-12-14, p.16 ff.



Questions Taken on Notice

- 3.65 In addition to the written responses and witness testimony considered above, a further Question Taken on Notice was asked and answered regarding:
- Funding under the Indigenous Advance Strategy
 - Canberra Convention Bureau
 - Registered Indigenous businesses
 - Formal arrangements with Supply Nation.⁷⁷

Elected Body comment

First generic question

- 3.66 In relation to the first generic question, the Elected Body notes information provided to it by the Directorate, and considered above regarding: amendments to the ACTPS Enterprise Agreements; amendments to the ACTPS Enterprise Agreements; Respect Equity and Diversity Framework (RED Framework); ACTPS Employment Strategy for Aboriginal and Torres Islander People; and a graduate program.
- 3.67 In relation to reports on *Indigenous Expenditure* and *Overcoming Indigenous Disadvantage* considered in hearings with the Directorate, the Elected Body considers these to be very important elements of a wider effort to improve the circumstances of Aboriginal and Torres Strait Islander people, both in and outside the ACT. The Elected Body considers them to be of critical importance in holding governments of all jurisdictions accountable for their actions in relation to stated goals on improving the circumstances of Aboriginal and Torres Strait Islander people.
- 3.68 In light of the complex mechanisms, and relationships, which apply for these reporting frameworks, the Elected Body values dialogue between it and the Directorate. This supports the Elected Body's understanding of complex reporting mechanisms and provides an important point of contact through which the Elected Body can express views on behalf of Aboriginal and Torres Strait Islander people in the ACT.
- 3.69 The Elected Body looks forward to continued constructive dialogue with the Directorate on future *Indigenous Expenditure* and *Overcoming Indigenous Disadvantage* reports.

Second generic question

- 3.70 In the view of the Elected Body, matters of importance to the Elected Body's second generic question, and of relevant discussion in hearings, suggest that the most important elements had been considered in connection with *Indigenous Expenditure* and *Overcoming Indigenous Disadvantage* reports, above.
- 3.71 This reflects a natural variation in the degree to which individual Directorates capture data in the process of interacting with Aboriginal and Torres Strait Islander people in the ACT. Some Directorates, due to the nature of their interaction, are inherently more likely to gather such information, others less so.

⁷⁷ See Appendix C, *Summary of responses to Questions Taken on Notice and Questions on Notice*, Nos.1–4 inclusive.



- 3.72 One area, however, where the Elected Body would like to see a greater focus from CMTEDD, in view of its central role in policy on Aboriginal and Torres Strait Islander people, is in gathering data from across the ACT public sector about rates of employment. If this were done it would provide a system-wide snapshot of rates of progress on the targets set for Aboriginal and Torres Strait Islander employment in the ACT public sector, and enhance the role accorded by the ACT Government to CMTEDD in leading efforts on this aspect of public sector employment.
- 3.73 In light of this, the Elected Body makes the following recommendation.

RECOMMENDATION 1

- 3.74 **The Elected Body recommends that the ACT Government ensure that the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) collected, aggregate and publish figures on the employment of Aboriginal and Torres Strait Islander people, side-by-side, for each ACT Government Directorate and agency.**

Third generic question

- 3.75 In relation to the Elected Body's third generic question, the Elected Body notes evidence provided by the Directorate, in written form and in hearings, which showed that targets for the employment of Aboriginal and Torres Strait Islander people in the ACT public sector had not been met, and that efforts toward them had fallen significantly short.
- 3.76 At the time, the Directorate—and other Directorates—appeared to be struggling with the targets, and testimony given in hearings supported a view that the Directorate was in the preliminary stages of putting mechanisms into effect to achieve these targets.⁷⁸
- 3.77 In reviewing the information provided to it, the Elected Body considers that this is an area that warrants significant focus both from the Elected Body and from the ACT public sector, presided over, to all intents and purposes, by CMTEDD.
- 3.78 The Elected Body takes the view that while there were other key areas, where for example harms to Aboriginal and Torres Strait Islander people could be mitigated or reduced, particularly in relation to the criminal justice system and Out of Home care for young Aboriginal and Torres Strait Islander people, the effects of changes in these other systems would only be fully realised in circumstances where Aboriginal and Torres Strait Islander people were given a proper seat at the table in terms of workforce participation.
- 3.79 This, in the Elected Body's view, is also true in relation to education for Aboriginal and Torres Strait Islander people. Simply put: without hope of participation in the workforce, there appears to be little point in striving for educational achievement. Therefore, the Elected Body takes the view that employment targets provide a clear direction and focus it should not be the only driver in the ACT public sector though it is central critical element to improving the circumstances of Aboriginal and Torres Strait Islander people overall in the ACT.

⁷⁸ See ATSIEB, Transcript of Evidence, 03-12-14, pp.3–4.



3.80 In light of this the Elected Body makes the following recommendation.

RECOMMENDATION 2

3.81 **The Elected Body recommends that the ACT Government make concerted and systematic efforts to reach 2 per cent targets, at minimum, for the employment of Aboriginal and Torres Strait Islander people in each ACT Government Directorate and agency, within the next two reporting years.**

Fourth generic question

3.82 In relation to the fourth generic question, the Elected Body notes the Directorate's written response. Discussion in hearings on this point centred on ongoing negotiation between the ACT, NSW and the Commonwealth as to the best arrangement for future administrative responsibility for Jervis Bay. Responsibility for this area currently lies with the ACT, for which there is a significant Aboriginal population.

3.83 It was clear to the Elected Body, from discussions with the Directorate, and with the Children and Young People's Commissioner,⁷⁹ that there was ongoing uncertainty, on the part of the Aboriginal community in Jervis Bay—about the school and about administrative arrangements in general—in the face of extended negotiations between jurisdictions. This was having a significant negative—and possibly unnecessary—effect on the community.

3.84 In view of this, the Elected Body makes the following recommendation.

RECOMMENDATION 3

3.85 **The Elected Body recommends that the ACT Government make representations to the Commonwealth and NSW, in the course of negotiations on administrative responsibility for Jervis Bay, highlight the negative effect of uncertainty on the Jervis Bay Aboriginal community, and encourage parties to agree on a timeline by which negotiations will be completed and new arrangements put in place.**

3.86 The Elected Body also considered Boomanulla Oval in connection with its fourth generic question. It finds that the Directorate were taking appropriate measures toward new arrangements for the Oval, and welcomed dialogue between the Directorate and the Elected Body on this matter. In addition, however, the Elected Body wished to see a more definite commitment to a timeline for the design and implementation of new arrangements, including time allocated to consultation with the ACT Aboriginal and Torres Strait Islander community.

3.87 In light of this, the Elected Body makes the following recommendation.

RECOMMENDATION 4

3.88 **The Elected Body recommends that the ACT Government establish and publicise a timeline for the design and implementation of new arrangements for the management of Boomanulla Oval, including an allocation of time for due consultation with the ACT Aboriginal and Torres Strait Islander community on arrangements for the Oval.**

⁷⁹ Mr Alisdair Roy, ATSIEB, Transcript of Evidence, 04-12-14, p.112.



Fifth generic question

- 3.89 Taking both the Directorate's written response and discussion in hearings into account, the Elected Body noted the various processes adopted by the Directorate to foster Aboriginal and Torres Strait Islander businesses in and outside of the tourism sector in the ACT.
- 3.90 The Elected Body notes discussion in hearings of ways in which Aboriginal and Torres Strait Islander tourism businesses could find higher visibility by way of ACT Government channels such as VisitCanberra and the Canberra and Region Visitors Centre.⁸⁰
- 3.91 In this discussion, the Elected Body found that the Directorate was receptive to having Aboriginal and Torres Strait Islander tourism businesses publicise their product through these channels. On the other hand, this appeared largely to be a passive position on the part of the Directorate. There was not much evidence, in the view of the Elected Body, of the Directorate reaching out to these businesses and actively developing an approach, in collaboration with these businesses, which would support their visibility to the market.
- 3.92 A more active approach appeared to have been taken by the Directorate in the case of the Murrumbung Yurung Murra cultural tours. This shows that such an approach is possible and that the Directorate had the capability to pursue this, given the will.⁸¹
- 3.93 More generally, for tourism and non-tourism businesses, the information presented by the Directorate appeared to focus, for the most part on process. Examples were offerings of workshops for Aboriginal and Torres Strait Islander businesses.⁸² What the Elected Body would have liked to see was a greater focus on outcomes. Ideally, this would include, in the view of the Elected Body, evaluations of how many, and to what degree, Aboriginal and Torres Strait Islander businesses had benefited from the interventions of the Directorate.
- 3.94 Important, in view of the Elected Body, was the sense that there were real opportunities which, with a reasonable amount of effort, could bring great benefits not only for the Aboriginal and Torres Strait Islander community in the ACT, but for the ACT community overall.
- 3.95 International and domestic tourism travellers display great interest in Aboriginal and Torres Strait Islander cultures wherever they have an opportunity to do so. ACT is home to a number of notable attractions, such as the National Gallery of Australia and Namadgi National Park, which have significant associations and displays of Aboriginal and Torres Strait Islander cultures.
- 3.96 It was the view of the Elected Body that capitalising on the presence of an active Aboriginal and Torres Strait Islander community in the ACT—by lifting its visibility and assisting Aboriginal and Torres Strait Islander businesses to attract greater attention—would be a natural progression, which would enhance the ACT's 'brand' and contribute to the growth of Aboriginal and Torres Strait Islander businesses in the ACT.⁸³
- 3.97 Of course, such businesses have to come to the party as well. The ACT Aboriginal and Torres Strait Islander community has to generate business ideas and activity before such businesses can attract support. In this the Elected Body and other entities are likely to have a part to play, in fostering business ideas and mediating between business and government. Given the presence of programs designed to support such businesses, administered by the Directorate, and good-will between the Directorate and the Elected Body, this in the view of the Elected Body is too good an opportunity to ignore.

⁸⁰ See ATSIIEB, Transcript of Evidence 03-12-14, pp.20–21.

⁸¹ See Mr Jonathan Kobus, ATSIIEB, Transcript of Evidence, 03-12-14, p.19.

⁸² Ms Laura Hartley, ATSIIEB, Transcript of Evidence, 03-12-14, p.22.

⁸³ See ATSIIEB, Transcript of Evidence, 03-12-14, p.25.



3.98 In light of this the Elected Body makes the following recommendation.

RECOMMENDATION 5

3.99 **The Elected Body recommends that the ACT Government take a more active role, in consultation with the Elected Body, in increasing the visibility of, and fostering and supporting, Aboriginal and Torres Strait Islander business in the ACT in the tourism and other sectors.**

Sixth generic question

3.100 In relation to the Elected Body's sixth generic question, the Elected Body noted various instances, discussed in hearings, which attested to effective engagement between the Directorate and the Elected Body. Examples ranged from national processes which affected the ACT—such as *Indigenous Expenditure* and *Overcoming Indigenous Advantage* reporting; to the visibility of Aboriginal and Torres Strait Islander cultures at interface between the ACT and visitation via Canberra Airport; to more local matters such as Boomanulla Oval.

3.101 In each case there was a two-way exchange of views and information which bodes well for future interactions between the Elected Body and the ACT Government. This is particularly important considering the particular position of the Directorate in determining policy throughout the ACT public service. In light of this, the Elected Body looks forward to the further development of this relationship.

4 COMMUNITY SERVICES DIRECTORATE



Introduction

- 4.1 Officers of the Community Services Directorate (CSD) appeared before the ATSIEB in hearings of 3 December 2014.
- 4.2 The Directorate's responses to the Elected Body's generic questions, and selected witness testimony from hearings, are considered below.

Improve the lives of Aboriginal and Torres Strait Islander people

Written response

- 4.3 The Directorate's written response to the Elected Body's first generic question was as follows.

The Community Services Directorate is an ACT Government Agency with a strong focus on service delivery and improving the services that we provide. The Directorate is responsible for delivering a wide range of human services to the Canberra community including:

- Public and Community Housing Services
- Child, Youth and Family Services
- Disability and Therapy Services
- Child and Family Centres
- Community Disaster Recovery
- Aboriginal and Torres Strait Islander Affairs.

Aboriginal and Torres Strait Islander Housing Assistance

In 2013–14 there were 83 new Aboriginal and Torres Strait Islander public housing tenancies created; 71 applicants were allocated from the priority housing list, involving 158 Aboriginal and Torres Strait Islander residents, ten were allocated from the high needs housing list, involving 15 Aboriginal and Torres Strait Islander residents and two from the standard housing list, involving two Aboriginal and Torres Strait Islander residents.

At 30 June 2014 there were 780 Aboriginal and Torres Strait Islander public housing tenancies, housing a total of 1643 Aboriginal and Torres Strait Islander residents. Housing for older people in the Aboriginal and Torres Strait Islander community is scarce, the Elected Body identified a need for culturally-appropriate age-specific independent living accommodation for elderly Aboriginal and Torres Strait Islanders in the ACT.

The ACT Government is constructing five older persons units for Aboriginal and Torres Strait Islander people. This is self-funded. The final site is being negotiated with the Aboriginal and Torres Strait Islander Elected Body.

Specialist Homelessness Services

In 2013–14 Aboriginal and Torres Strait Islander people were 14 per cent of the ACT population that received Specialist Homelessness Services support. This included crisis accommodation, transitional accommodation and outreach support in relation to either experiencing homelessness or the prevention of homelessness. Two Indigenous controlled organisations are funded to provide services and a further two community agencies manage Aboriginal and Torres Strait Islander specific programs. These include a youth specific service, housing advice and home maintenance assistance, short-term accommodation for interstate people visiting family in institutions such as hospital and Correctional facilities, a program to improve sector competency and supported accommodation for families experiencing homelessness.

All ACT Specialist Homelessness Services are contracted to provide evidence of service/sector initiatives to improve engagement with Aboriginal and Torres Strait Islander Service users to contribute to improved housing outcomes on an ongoing basis.

Early Intervention and Prevention Services (Output 2.1)

Across the three Child and Family Centres staff deliver the Growing Healthy Families program to Aboriginal and Torres Strait Islander families. This is a community development initiative that focuses on parent's strengths, health, education, parenting and family support. It also offers advocacy, linking families to existing services and community development activities. Each centre runs a range of events, services and programs for the Aboriginal and Torres Strait Islander community. Examples of this include Koori Kids, Strong Women's Group, Koori Paint and Play and Koori preschool visits on a fortnightly basis.

ACTCOSS (ACT Council of Social Services) provides the Gulanga Program, which is jointly funded under the National Affordable Housing Agreement (NAHA) and the Child, Youth and Family Services Program (CYFSP) to improve the cultural competency of services working with Aboriginal and Torres Strait Islander children, young people and their families. The program includes the production of a number of tools and resources to assist services to adapt their organisation to better respond to Aboriginal and Torres Strait Islander peoples, direct consultancy support in implementing changes in organisations, delivery of training in cultural awareness for community workers, and supporting Aboriginal and Torres Strait Islander workers in the sector.

Youth Services (Output 4.1)

The *Blueprint for Youth Justice in the ACT 2012–22* (the Blueprint) sets the strategic direction for youth justice in the ACT. A key goal of the Blueprint is to reduce the over-representation of Aboriginal and Torres Strait Islander children and young people in the youth justice system and reduce rates of detention. Work to directly support Aboriginal and Torres Strait Islander young people and their families under the Blueprint includes:

- strengthening cultural planning for young people on justice orders. An approach to cultural planning has been developed through broad consultation with Aboriginal and Torres Strait Islander



stakeholders, government and community organisations giving particular consideration to the needs of Aboriginal and Torres Strait Islander young people. The approach provides an opportunity for young people on justice orders to develop or retain their connections to family, community and culture

- embedding cultural planning to provide staff with strategies and tools to engage with Aboriginal and Torres Strait Islander young people and their families to ensure culturally competent practice
- improving the availability of Aboriginal and Torres Strait Islander staff to young people and their families involved in the youth justice system through the following three designated positions
 - a Family Engagement Officer at the Bimberi Youth Justice Centre (Bimberi). This position is a key senior role within Bimberi designed to assist engagement of families of all young people and to promote Aboriginal and Torres Strait Islander perspectives in the day-to-day functions of Bimberi
 - a Transition Officer position at the Murrumbidgee Education and Training Centre (based at Bimberi) to support schooling/training needs, career development and study options while in Bimberi and following a young person's release
 - an Aboriginal and Torres Strait Islander engagement and cultural officer to provide appropriate cultural and other support, case management and supervision to Aboriginal and Torres Strait Islander young people. This position provides cultural advice to Youth Justice Case Management (YJCM) staff and support to Aboriginal and Torres Strait Islander young people and their families involved with YJCM
- delivery of the Case Management and Support (MPower) initiative provides intensive and flexible case management support for young people with a focus on supporting Aboriginal and Torres Strait Islander young people and their families. This is achieved by building collaborative partnerships with the Aboriginal and Torres Strait Islander community and service providers, and coordinating program delivery for young people who are at high risk of involvement in the youth justice system
- delivery of the Narrabundah House Indigenous Supervised Residential Facility that provides short to medium term accommodation, assessment, planning and service coordination for 15–18-year-old Aboriginal and Torres Strait Islander males. Narrabundah House targets young males who are serious or repeat offenders on youth justice orders or who are at risk of becoming further involved in the youth justice system
- engagement with the Indigenous Guidance Partner from Restorative Justice to work together with young people who are participating in a restorative justice process
- in addition, Youth Justice Case Management refers young people to Gugan Gulwan where appropriate and Gugan Gulwan provides support and assistance to young people who are joint clients and on youth justice orders.

Care and Protection Services (Output 4.2)

The ACT Government is committed to responding to the needs of Aboriginal and Torres Strait Islander children and young people at risk of coming into out of home care or who are in out of home care. The Directorate is developing an Out of Home Care Strategy which will see a renewed focus on diverting children and young people from entering care and on speedy reunification of children and parents wherever possible. The Strategy will aim to strengthen the service responses provided to Aboriginal and Torres Strait Islander families.

The Community Services Directorate received a total of \$4.1 million from the ACT Budget 2014–15 to:

- address growth in children in care enabling continuation of current out of home care programs for the 2014–15 year (\$1.7 million)



- to lay the groundwork for transition to a new system designed to reduce growth in demand, deliver improved outcomes for children and young people and better support carers (\$2.4 million). This comprises:
 - pilot therapeutic assessments and planning for children and young people in care
 - establishing an accreditation and monitoring program for out of home care providers
 - implementation of a team for transition to a new out of home care system
 - information management enhancements
 - training to support transition to a trauma informed care system, including training of staff of Care and Protection Services, out of home care and other relevant agencies, foster and kinship carers.

Around one-quarter of children in care in the ACT identify as Aboriginal and Torres Strait Islander persons. This currently equates to 140 children and young people. Aboriginal and Torres Strait Islander children are significantly over represented in the ACT child protection system as they are in other Australian jurisdictions.

Diverting children and young people from care

The *Out of Home Care Strategy 2015–2020* will see a renewed focus on diverting children and young people from entering care and on speedy reunification of children and parents wherever possible. New services are proposed to support this agenda. They include:

- placement prevention services which will provide intensive in home and other supports to keep children at home
- reunification services which will provide intensive in home and other supports to get children home and keep them there
- professional contact services which will coach and mentor parents where contact sessions are supervised
- comprehensive needs assessments will be completed for children and young people who are at risk of entering care or who are in care and services and funding will be available to make sure children and young people get the therapy and other supports they need
- a new panel of Aboriginal and Torres Strait Islander cultural advisors will be established to provide Care and Protection Services with independent advice when key decisions are being made including placement decisions and to assist with cultural plans.

Aboriginal and Torres Strait Islander children in care

If children and young people do have to come into care the proposed *Out of Home Care Strategy 2015–2020* will offer a range of services to help meet their therapeutic and cultural needs. They include:

- the Aboriginal and Torres Strait Islander Child Placement Principle will continue to guide decisions about placements for Indigenous children and young people. For most, this will mean a kinship care placement with extended family
- all children in care will have a comprehensive assessment of their needs on entry to care and then at regular intervals. A therapeutic plan will be prepared for each child or young person based on their individual assessment and needed supports will be funded on top of the subsidy provided to the carer. Supports will follow the child, irrespective of their placement. The therapeutic plan will include a cultural plan
- the Strategy proposes creating a small group of professional foster carers who will be paid a salary to look after a child full-time. Professional foster carers will also assist with keeping large sibling groups together who currently are often separated across several foster carers or kinship carers.



Kinship Care Support Team

- Provision of support to kinship carers.
- Assessment and review of kinship care placements.
- Support to Aboriginal and Torres Strait Islander kinship and foster carers.
- Assist in the preparation of Cultural Plans for Aboriginal and Torres Strait Islander children and young people in Out of Home Care.

Cultural Care Advisors

- Aboriginal and Torres Strait Islander children comprise around 25 per cent of the children and young people in care in the ACT. The Community Services Directorate is taking action to strengthen placements and offer greater support for Aboriginal and Torres Strait Islander children and young people so that they can stay connected to their families, their culture and their country. This is a fundamental requirement of the Aboriginal placement principle in the *ACT Children and Young People Act 2008*.
- The establishment of a casual pool of Aboriginal and Torres Strait Islander cultural advisors acknowledges that strong cultural advice and support can influence the child protection decision-making process. It also recognises that connections to family, culture and country are important to the wellbeing and development of Aboriginal and Torres Strait Islander children and young people.
- Aboriginal and Torres Strait Islander cultural advisors will play an important role in providing independent cultural advice to Care and Protection Services when key decisions are being made. One of the primary aims is to ensure that Aboriginal and Torres Strait Islander children and young people remain connected to their families, their culture and their country.
- Recruitment to the Aboriginal and Torres Strait Islander cultural advisors positions opened on 2 September 2014. Recruitment is now being finalised.

Koori Preschools

- In 2013–14, Therapy ACT speech pathologists and occupational therapists continued to provide service to the five Koori Preschool Programs in Canberra — Wanniasa, Narrabundah, Richardson, Kingsford Smith and Gunnawal.
- The allied health professionals work with teachers and students within the curriculum of the Koori Preschool Programs.
- The aim of Therapy ACT is to support the students' individual needs through the development of key skills, such as communication, hand skills and play development, within the classroom environment.
- A whole class approach is the focus of the first half of the calendar year, with more emphasis on offering individual screenings at parent/carer request as the year progresses.
- Teachers and therapists work together to develop programs targeting the teacher's goals for their students and identified needs across the group. For example, targeting hand skills in craft activities, or increasing the children's listening and participation in group time.
- ETD invited therapists to present at a professional development forum for Koori Preschools on 28 May 2014.
- This was a valuable opportunity to share knowledge and build relationships with teaching staff in the programs.
- New referrals of Aboriginal and Torres Strait Islander children to the Therapy ACT teams are considered a high priority for assessment.



National Disability Insurance Scheme (NDIS) and Aboriginal and Torres Strait Islander People

- The Directorate engaged with Aboriginal and Torres Strait Islander people around the NDIS and the Enhanced Service Offer (ESO).
- The NDIS Expert Panel has considered and provided valuable input in ensuring Aboriginal and Torres Strait Islander people are informed about the NDIS and ESO grants.
- The ACT NDIS Expert Panel includes an Aboriginal parent of a young person with disability.
- The ESO gave priority to applicants with additional complexity or disadvantage in their lives, including Aboriginal and Torres Strait Islanders.
- Through effective engagement with community organisations, Aboriginal and Torres Strait Islander peak bodies and outreach work undertaken by ESO planners, the number of Aboriginal and Torres Strait Islander people in the community reached by the ESO was 67 in the first round and 113 in the second round.
- Of Aboriginal or Torres Strait Islander people who applied, 90 per cent received a grant.
- Community engagement to promote the ESO was achieved by weekly or fortnightly visits to local services such as Winnunga Nimmityjah and Gugan Gulwan.
- In 2014 the Taskforce allocated \$80,000 to Gugan Gulwan to provide a six months community NDIS outreach worker to members of local Aboriginal and Torres Strait Islander community. This grant ends in January 2015.
- We went to Gugan on the advice of the ACT Elected Body after an extended period of seeking advice about how to best support the community in preparation for the NDIS.
- Further funding is available over two years to continue this work.

Work Plan

- Ensuring NDIS is culturally-appropriate.
- Meetings with key agencies to network and understand NDIS concepts and practices:
 - Disability ACT, National Disability Insurance Agency.
- Following these discussions, the Outreach Worker will engage with the services listed and will be involved in face-to-face discussion groups and individuals roll out of the NDIS:
 - Therapy ACT; Department of Education and Training.
- The Outreach Worker will target work to the NDIS age phasing.
- Ensure Agencies and Non-government bodies are aware of the Outreach Worker role and begin to build register of families without links to services.
- Meetings at Elder (Nanna's, Men's, Women's) groups as a conduit for communication with the broader community.
- Outreach Worker to work collaboratively with the NDIA and the NDIS Taskforce in providing a clear and uniform message to key organisations Discussions between Outreach Worker and key services around the demarcation of the Health and Disability provision of services.



Human Services Gateway

In 2013–14, a new model of service delivery was implemented which will enhance the way a number of government and community providers deliver their services. The model has been developed between government and community providers and commenced on 1 July 2014.

A range of universal and targeted services will now be available in the one location at Nature Conservation House, Belconnen. Services include:

- Housing ACT
- Children, Youth and Family Support Gateway
- First Point homelessness intake service
- Supportive Tenancy Services
- Women's Grant Programs
- Disability housing options facilitator
- National Disability Insurance Agency
- Advance Personnel
- Conflict resolution
- Care Financial

Additionally, a number of services will work together to provide an integrated service response. The first phase of this integrated service model will be provided to vulnerable families in an innovative shared approach which will see government and community providers using a common assessment process and tools to jointly assess and target the allocation of resources to those families most in need.

The integrated shared intake and case coordination model will be provided to individuals and families by a number of Directorate and community sector providers including:

- Housing ACT (HACT)
- Children, Youth and Family Support Gateway
- Supportive Tenancy Services
- First Point.

The aims of this new model of service provision include:

- a more integrated and coordinated response leading to better outcomes
- the system identifies families at risk and intervenes before crises develop
- ACT-wide prioritisation of need and resources — available resources are allocated where, and when, they are most needed and will make the most difference
- diversion of families from unnecessary contact with Statutory Services
- more efficient use of government resources and better value for money.

The model will be evaluated with a view to expanding service provision to other key client groups in the future.

Also the Community Services Directorate is commencing construction of Common Ground Canberra, a 40 unit building which will provide housing and support for up to 20 people experiencing chronic homelessness and 20 people on a low income, in appropriate and affordable accommodation.



ACT Prevention of Violence against Women and Children Strategy 2011–17

The strategy is a joint responsibility of Community Services Directorate and Justice and Community Safety Directorates. It is a whole-of-government and community approach to preventing and responding to violence against women and children in the ACT. The long-term goals of the strategy are consistent with the goals of the *National Plan to Reduce Violence against Women and their Children 2010–22*. The strategy provides overarching principles to guide violence prevention activities across government and support the ability of key service providers (government and non-government) to provide flexible and targeted responses to women and children experiencing violence, including support to men using violence. In September 2011, a Governance Group comprising of senior executives and key business and community stakeholders was established to oversee the implementation of the strategy.

The Governance Group has developed a foundation report to identify:

- services and activities that are provided directly or are funded that support women and/or children who experience domestic violence and/or sexual assault
- activities and events for the prevention of violence against women
- gaps in service provision.

The Governance Group also mapped related groups and committees that could be leveraged to support the objectives of the strategy, and completed a progress report on the first implementation plan.

Collectively, the work undertaken to monitor the strategy and provide advice on service system gaps will be used to inform the second implementation plan to be released in early 2015.

a Does your Directorate provide regional services for Aboriginal and Torres Strait Islander people?

The Community Services Directorate does provide services to Aboriginal and Torres Strait Islander people under a service level agreement with the Commonwealth for Jervis Bay Territory. This included Care and Protection Services, Youth Services and Therapy Services.

Jervis Bay School

- Therapy ACT supported Jervis Bay School and its 2014 focus on improving literacy outcomes for Aboriginal and Torres Strait Islander students.
- Using an existing Language Through Books literacy program the speech pathologist and occupational therapist developed a program to incorporate literacy, written expression and fine motor tasks specifically for the Aboriginal and Torres Strait Islander population.
- This program is being implemented by the school with good preliminary outcomes for Aboriginal and Torres Strait Islander students.

ACT regional-based services

Each Child and Family Centre provides services specifically targeted to the Aboriginal and Torres Strait Islander families in that region. For example:

- Tuggeranong Child and Family Centre visits Wanniasa and Richardson Koori preschools and offers outreach services and support. Tuggeranong Child and Family Centre also facilitate the Young Mums and Bubs Group with Gugan Gulwan weekly
- West Belconnen Child and Family Centre deliver programs such as the Koori Paint and Play, Koori Kids, Strong Women's group and community events and activities to the children, families and community in their region.



- b** If your Directorate does provide regional services have these been impacted on service delivery due to the last federal budget cuts?

Jervis Bay Territory

These services are currently being renegotiated with a view of NSW providing all services to Jervis Bay Territory residents.

ACT regional-based services

The Growing Healthy Families program is at risk due to Commonwealth funding ceasing on 31 December 2014. An application in partnership with The Smith Family has been made for further funding under the Indigenous Advancement Strategy. The outcome of this submission will determine if Growing Healthy Families will continue in its current form in 2015 across the ACT at the Child and Family Centres.⁸⁴

Hearings

- 4.4 The Elected Body spoke to officers of CSD in hearings of 3 December 2014, and considered the following matters, among others.

Indigenous Advancement Strategy funding

- 4.5 The Elected Body asked CSD officers which areas of the Directorate had applied for funding under the Commonwealth's Indigenous Advancement Strategy and the total amount of funding which had been sought.⁸⁵

- 4.6 In responding, the Executive Director, Service Strategy and Community Building, told the Elected Body that:

On the whole, the Commonwealth Government has not funded Aboriginal and Torres Strait Islander programs provided by the Community Services Directorate and over the years we have had a very small amount of funding. We had a small amount of funding under the community housing infrastructure program for some community housing, and more recently we have had the national partnership on Indigenous early childhood.⁸⁶

- 4.7 She went on to say that:

With the Indigenous advancement strategy being the consolidation of Commonwealth funding for programs, excluding health at this stage but with health to come in the future, the Community Services Directorate has not been in the position of needing to really re-tender for funding that was previously provided by the Commonwealth.

However, as the elected body would be aware, the national partnership on Indigenous early childhood has ceased. Because that national partnership has funded the construction and some of the staff in operation at the West Belconnen Child and Family Centre, the issue for the ACT Government is how we can continue those services. We have seen the availability of this funding as an opportunity to see what we can do to augment those services.⁸⁷

⁸⁴ Community Services Directorate, response to ATSIEB generic questions 2014 (unpaginated).

⁸⁵ ATSIEB, Transcript of Evidence, 03-12-14, p.28. The website of the Indigenous Advancement Strategy is available at: www.indigenous.gov.au/indigenous-advancement-strategy

⁸⁶ Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.29.

⁸⁷ Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.29.



4.8 The Executive Director told the Elected Body that for 'our own provision of services, the only bid that we have been involved in really relates to operations at the West Belconnen Child and Family Centre'.⁸⁸

4.9 At this point the Director, Early Intervention and Prevention Services, responded to the question. He told the Elected Body that:

... here are a couple of things worth saying. One is that yesterday we received advice from Prime Minister and Cabinet that they would extend for another six months the funding provided to the Smith Family through to the West Belconnen Child and Family Centre for two positions. That is the IPS [Intensive Parenting Support] funding ... So it is really good that we can continue to provide that service until 30 June next year.

In relation to the Indigenous advancement strategy funding, there are two proposals we have been involved in putting forward. One is with the Smith Family to continue and extend that program, and the other one is an Education and Training Directorate-led proposal for workers who would work across the Koori preschools and the child and family centres, really helping to engage and support families into education.⁸⁹

4.10 When asked about who had been consulted in the process, the Director told the Elected Body that:

The Smith Family were the lead for that proposal. They certainly consulted extensively with early intervention and prevention services. I cannot detail beyond that who they might have consulted with. Education and Training were the lead for the other proposal. My understanding is that they consulted quite broadly, and certainly worked back through the Koori preschools.⁹⁰

4.11 At this point the Director-General, CSD, also responded, saying that:

It would be fair to say it was quite a truncated process. I think the endeavour was to engage with as many stakeholders as possible, but the time available to do that and meet the deadlines that were in place by the Commonwealth meant that it was probably less than ideal in that situation.⁹¹

4.12 The Executive Director, Service Strategy and Community Building, also responded further. She told the Elected Body that:

One of the priorities that ACT Government agencies generally had was to not be competing with Aboriginal and Torres Strait Islander providers for funding. So the Community Services Directorate took the lead on convening a whole-of-government meeting where all agencies came and we identified that was the main concern — not to be competing.⁹²

4.13 She went on to say that a 'second concern' was:

... which agencies do we currently work with that receive Commonwealth funding, which is up for grabs, and how can we support them to re-tender for the money that they are looking for? Each Directorate identified organisations either that they funded themselves or that they had a relationship with. Through that process we were able to identify that each organisation that would be subject to its funding going to tender had the support of a Directorate or another agency to submit their tender.⁹³

88 Ms Maureen Sheehan, ATSIIEB, Transcript of Evidence, 03-12-14, p.29.

89 Mr Paul Wyles, ATSIIEB, Transcript of Evidence, 03-12-14, p.29.

90 Mr Paul Wyles, ATSIIEB, Transcript of Evidence, 03-12-14, p.30.

91 Ms Natalie Howson, ATSIIEB, Transcript of Evidence, 03-12-14, p.30.

92 Ms Maureen Sheehan, ATSIIEB, Transcript of Evidence, 03-12-14, pp.30–31.

93 Ms Maureen Sheehan, ATSIIEB, Transcript of Evidence, 03-12-14, p.31.



Older persons housing project

4.14 The Elected Body asked for an update on progress on a housing project for older Aboriginal and Torres Strait Islander people.⁹⁴

4.15 In responding, the Executive Director, Housing and Community Services ACT, told the Elected Body that:

Essentially, the key message obviously is that site selection is the most important element of this whole project. Once we have got site selection undertaken that you are happy with—and I understand we have reached that point—we can obviously give you very early advice about any issues around site remediation, which will not be expected to be a significant issue in this case, then the next important stage is about engaging the architectural firm that we have been working with you on and then moving to construction.⁹⁵

4.16 He went on to say that:

The key point that I would like to make before passing over to Mr Collett is that we certainly have got that money reserved in our budget, both for the design work and then for the subsequent construction. So it is certainly not a funding question; it has been an issue of site selection and now it will be a matter of working through that design and construction phase.⁹⁶

4.17 The Executive Coordinator, Public Housing Renewal, Asset Management Branch, also responded to the question. He told the Elected Body that:

I guess it could be fair to say that we shared your frustration with the overlay that was applied to the site that had been selected that made it unavailable for Indigenous housing. Whilst that represented a significant delay to the project, we are now working with the new elected body on the site selection and, as Mr Matthews referred to, we were delighted to hear that earlier this week the Kambah site had been selected. We have already got an architect engaged and, after discussions with the elected body, have agreed to engage Architecture for Humanity to provide a conduit, if you like, between the elected body and our architects, who have also been selected.⁹⁷

4.18 He went on to say that:

Now that the site has been confirmed, we will be able to engage those architects to start on the preparation of a development application prior to Christmas. So that is a particularly good outcome. We will be making sure that the support group is also in there making sure that we have a culturally-appropriate solution. So we are pretty excited about getting on with the project.⁹⁸

National Disability Insurance Scheme

4.19 The Elected Body asked questions regarding the implementation of the National Disability Insurance Scheme (NDIS) in the ACT and, in particular, what was being done ‘to ensure that the six providers that were recently announced are able to provide culturally-appropriate services in the ACT for Aboriginal and Torres Strait Islander people with a disability’.⁹⁹

94 ATSIIEB, Transcript of Evidence, 03-12-14, pp.33–34.

95 Mr David Matthews, ATSIIEB, Transcript of Evidence, 03-12-14, p.34.

96 Mr David Matthews, ATSIIEB, Transcript of Evidence, 03-12-14, p.34.

97 Mr David Collett, ATSIIEB, Transcript of Evidence, 03-12-14, p.34.

98 Mr David Collett, ATSIIEB, Transcript of Evidence, 03-12-14, p.34.

99 ATSIIEB, Transcript of Evidence, 03-12-14, p.46



4.20 In responding, the Executive Director, Service Strategy and Community Building, told the Elected Body that:

With the six providers that were announced to pick up early intervention services, the focus with those providers was that the department of education had services for children who were pre-preschool with a disability. Some of those were for children with autism and others focused on helping children who might otherwise find it very hard to move into a school environment and to relate with other children in a way that would have them playing with other children. The services were getting those children ready for those group environments and really ultimately for school.

In moving into the National Disability Insurance Scheme, the services that will be available for those children are far broader than — admittedly, they are good programs to get children ready for school, but that is not the only thing that those children need. They need other early intervention services as well. At the moment, Therapy ACT are providing some of those services.¹⁰⁰

4.21 She told the Elected Body that:

All children under school age will actually enter into the National Disability Insurance Scheme in the first six months of this year. What we needed to be mindful of is: what is the totality of things that those children will need as they come into the National Disability Insurance Scheme? The reason that we wanted to give you the broader picture is that what we are trying to achieve is culturally-appropriate services for the totality of things that those children will need, not just really \$2 million worth of services.¹⁰¹

4.22 Regarding providers under the NDIS, the Executive Director told the Elected Body that:

The process that the National Disability Insurance Agency has gone through to make sure that there were actually providers on the ground, as education started to transition out and making sure that there were community providers, was that there was a tender process. As part of the tender process, which was a Commonwealth tender process, providers are required to spell out their service model. That is their opportunity to say how it is that they are going to provide culturally-appropriate services. That is one of the assessment criteria: to make sure that services are culturally-appropriate.¹⁰²

4.23 She went on to say that:

The other really important thing is that all the services must comply with national standards. They must comply in the educational setting with the national education standards which have the requirements around culturally-appropriate services and similarly for the national disability standards. Some of this would not apply to children but it applies more generally. The home and community care program, HACC, will transition into the National Disability Insurance Scheme and the services must comply with those national standards.¹⁰³

4.24 The Executive Director also told the Elected Body that the responsibility for both requirements — national standards and culturally-appropriate services — under the agreement between the ACT and the Commonwealth on the NDIS, continue to lie with the ACT Government:

That requirement for quality and safety and quality services is sitting with the ACT Government because, in the intergovernmental agreement for the National Disability Insurance Scheme, each state and territory took on the responsibility to maintain all of its existing quality and safeguards. So the responsibility to make sure the standards are met — that includes those culturally-appropriate services — sits with the

100 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.46.

101 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, pp.46–47.

102 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.47.

103 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.47.



ACT Government. The funding over time transfers across to the National Disability Insurance Agency. They then give the funding to the individuals. The individuals choose what services they want, but we will retain that responsibility to make sure that standards are met, including that they are culturally-appropriate.¹⁰⁴

- 4.25 She told the Elected Body of specific funding provided by the National Disability Insurance Taskforce to the ACT which has gone toward supporting the provision of culturally-appropriate services under the NDIS in the ACT:

The National Disability Insurance Taskforce, which is based in the ACT, has some considerable sector development funds available. As part of sector development funds, we have been able to place, or to pay for, a full-time worker at Gugan Gulwan. Obviously, we are very hopeful that that worker will assist Aboriginal and Torres Strait Islander children, young people and adults as well, but particularly focusing on children and young people who may well have not accessed services in the past because they have not known how to do that. There are many people that have not accessed services in the past. But that worker will help them on that journey to the National Disability Insurance Agency to start making a plan about what they would like to achieve and what services might help them to do that.¹⁰⁵

- 4.26 The Executive Director went on to say, with regard to the above, that:

We are really hoping that that position at Gugan Gulwan will encourage Aboriginal and Torres Strait Islander people, as part of our workforce planning, to actually become employed in disability services so that we have more Aboriginal and Torres Strait Islander workers in organisations that are providing disability services because, of course, that is another very important way of providing culturally-appropriate services.¹⁰⁶

Capture data on interactions with Aboriginal and Torres Strait Islander people

Written response

- 4.27 The Directorate's written response to the Elected Body's second generic question was as follows.

Early Intervention and Prevention Services

All data in relation to interaction with families and children who identify as Aboriginal and/or Torres Strait Islander is recorded on CHYPS. For the Child and Family Centres this includes group participant numbers, Aboriginal and Torres Strait Islander specific programs, attendance at community events and activities and individual work with children and families.

Care and Protection Services

All data in relation to interaction with families and children who identify as Aboriginal and/or Torres Strait Islander is recorded on CHYPS. Aboriginal and Torres Strait Islander over-representation in the child protection system is an issue for all Australian jurisdictions.

In the ACT, the rate per 1,000 Aboriginal and Torres Strait Islander children and young people subject of a substantiation is the lowest it has been since 2003–04 at 38.3 per 1,000 for 2012–13. This is down from 57.8 per 1,000 in 2011–12.

104 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.47.

105 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.47.

106 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.47.



The Australian Institute of Health and Welfare (AIHW) recently released a report titled *Indigenous child safety*. This report indicated that the ACT is above the national average regarding substantiations, care and protection orders and out-of-home care for Aboriginal and Torres Strait Islander children and young people.

Recent data shows the proportion of substantiations involving Aboriginal and Torres Strait Islander children is reducing:

The reasons for the ACT being above the national average rates are complex and include:

- Aboriginal and Torres Strait Islanders experience high levels of intergenerational disadvantage and poverty. Anecdotally, these pockets of disadvantage and poverty are more visible in the ACT in comparison to other jurisdictions. There is also greater reach of government services, including child protection
- the ACT has a higher proportion of re-substantiations which is reflected in the high rate of substantiations. The vast majority of substantiations in the ACT are emotional abuse (e.g. exposure to domestic violence) and neglect, and corresponding less referring to physical and sexual abuse
- there are usually more family members in Aboriginal and Torres Strait Islander families. A substantiation of emotional abuse (e.g. exposure to domestic violence) would be for all children in the home and may include cousins and other young children present. This would result in higher rates given the overall small number of Aboriginal and Torres Strait Islander people in the ACT
- the ACT's high rate ratio for substantiations and lower rate ratio for orders and placements in out-of-home care in comparison to other jurisdictions, suggests the ACT is less interventionist with statutory services and instead focuses on family services and supports.

Youth justice

All young people who are held in custody at the Bimberi Youth Justice Centre or are placed under the supervision of Community Youth Justice are asked to identify if they are an Aboriginal and/or Torres Strait Islander Person. This information is recorded on the Youth Justice Information System (YJIS).

Aboriginal and Torres Strait Islander young people continue to be over-represented at all levels in the youth justice system in Australia. This is the case in the ACT where Aboriginal and Torres Strait Islander young people constitute 2 per cent of the population aged 10–17 but comprised one quarter of young people (26 per cent) under youth justice supervision on an average day in 2012–13.

Among the states and territories for which data are available, the ACT had the highest rate of Aboriginal and Torres Strait Islander young people aged 10–17 under youth justice supervision, both overall (287.9 per 10,000) and under community-based supervision (229.1 per 10,000) (excluding WA and NT). The national rate for young people aged 10–17 under youth justice supervision was 216.3 per 10,000 (AIHW Australian Capital Territory: youth justice supervision in Australia 2013–13 fact sheet, p3). Rates for Aboriginal and Torres Strait Islander young people in detention on an average day were not published due to the small number of individuals involved.

Despite these high rates, there has been a significant decrease in the rate of Aboriginal and Torres Strait Islander young people under youth justice supervision in the ACT during the last reporting year (2012–13). The rate of Aboriginal and Torres Strait Islander young people aged 10–17 under youth justice supervision on an average day decreased by 33 per cent from 427.2 per 10,000 in 2011–12 to 287.9 per 10,000 in 2012–13 (AIHW Youth Justice in Australia 2011–12: An overview). This is the lowest rate reported for this group since data collection began in 2003–04.



Further, in 2012–13, the ACT had one of the lowest levels of over-representation for Aboriginal and Torres Strait Islander young people among all states and territories, where data was available. An Aboriginal and Torres Strait Islander young person aged 10–17 was 13 times as likely as a non-Indigenous young person to be under any type of supervision. The ACT level was lower than the national level of over-representation for supervision overall (17 times) and for those under community-based supervision (16 times) (including estimates for WA and NT) (AIHW Australian Capital Territory: youth justice supervision in Australia 2013–13 fact sheet, p3).¹⁰⁷

Hearings

- 4.28 Data captures regarding Aboriginal and Torres Strait Islander people in the ACT were discussed in hearings of 3 December 2014, in the context of the provision of homelessness services.¹⁰⁸
- 4.29 In responding to questions, the Executive Director, Housing and Community Services ACT, told the Elected Body that there was 'a national data collection for homelessness services'; that there was 'data that [was] available for the last financial year; and that CSD could 'provide you with an overview of the patterns of access of homelessness services by Aboriginal and Torres Strait Islander people'.¹⁰⁹
- 4.30 He told the Elected Body that, in addition, there was data captured through the ACT's First Point service, 'the service that people come through to get access to either crisis accommodation or support', which showed that '239 Aboriginal and Torres Strait Islander families presented for support' in the previous financial year'.¹¹⁰
- 4.31 The Director-General also responded. She told the Elected Body that in 2013–14 'the ACT specialist homelessness sector' had assisted 662 Aboriginal and Torres Strait Islander people in total, amounting to '14 per cent of all service users' overall.¹¹¹
- 4.32 Data captures were also discussed in the same hearing connection with disability. Here it was stated that ACT data for the year 2012–13, as published by the Australian Institute of Health and Welfare, had shown that there were 'about 216 people who identified as Aboriginal and Torres Strait Islander who are service users of disability and therapy services in the ACT'.¹¹²

Promote Aboriginal and Torres Strait Islander employment

Written response

- 4.33 The Directorate's written response to the Elected Body's third generic question was as follows.

Aboriginal and Torres Strait Islander employees made up 1.2 per cent of the total ACT Public Service workforce at June 2014 (253 headcount). The ACT Public Service Employment Strategy for Aboriginal and Torres Strait Islander People aims to more than double the 2010 headcount of 176¹¹³ Aboriginal and Torres Strait Islander employees to 407 in 2015. Currently, the Respect, Equity and Diversity Framework (of which the employment strategy is an element) is being reviewed to identify areas for improvement and innovation.

¹⁰⁷ Community Services Directorate, response to ATSIEB generic questions 2014 (unpaginated).

¹⁰⁸ ATSIEB, Transcript of Evidence, 03-12-14, pp.41, 42.

¹⁰⁹ Mr David Matthews, ATSIEB, Transcript of Evidence, 03-12-14, p.43.

¹¹⁰ Mr David Matthews, ATSIEB, Transcript of Evidence, 03-12-14, p.43.

¹¹¹ Ms Natalie Howson, ATSIEB, Transcript of Evidence, 03-12-14, p.43.

¹¹² Ms Meredith Whitten, Disability ACT, ATSIEB, Transcript of Evidence, 03-12-14, p.48.

¹¹³ At this point the written response stated: 'Please note that the headcount used in the Employment Strategy for Aboriginal and Torres Strait Islander People was inclusive of Canberra Institute of Technology and ACT Auditor General's Office'.



Of the 253 Aboriginal and Torres Strait Islander employees:

- generation Y comprise the largest age group (112 employees)
- the separation rate of Aboriginal and Torres Strait Islander employees was higher than the separation rate for the whole ACT Public Service (9.1 per cent compared to 6.2 per cent)
- the Community Services Directorate, Gambling and Racing Commission and Land Development Agency had the highest representation of employees identifying as Aboriginal and Torres Strait Islander (2.9 per cent respectively)
- the average salary for Aboriginal and Torres Strait Islander employees was less than the average ACT Public Service salary (\$74,113 compared to \$80,137).

While the Directorate values all our staff, the plan pushes us to be a leader in the ACT Public Sector and the community and go further than we have before in employing Aboriginal and Torres Strait Islander people. But it's not enough just to employ people — we need to retain our staff and provide opportunities for satisfying careers.

Community Services Directorate aims to:

- increase the employment of Aboriginal and Torres Strait Islander people in CSD, across all occupational groups, levels, locations and employment arrangements
- retain and develop Aboriginal and Torres Strait Islander staff within CSD
- create a workplace that values Aboriginal and Torres Strait Islander cultures.

Through leadership and the engendering of cultural respect, CSD will improve the recruitment, retention and career development of Aboriginal and Torres Strait Islander staff, enhancing the Directorate's service delivery capabilities and improving outcomes for Aboriginal and Torres Strait Islander people.

Spotless contract

A key initiative under the provision of the TFM contract is encouraging sustainable economic engagement and participation of specific cohorts. The contract requires Spotless to support the specified target groups to achieve employment and economic engagement through either direct service delivery by the TFM or through its subcontractors.

In 2013–14, Spotless and its subcontractors have employed 10 Aboriginal and Torres Strait Islander people, 30 public housing tenants, 37 people with disability and 95 youths.

a What are the current Aboriginal and Torres Strait Islander levels in your Directorate?

Community Services Directorate at 30 June 2014 employed 39 Aboriginal and Torres Strait Islander staff members making up 2.9 per cent of the CSD workforce.

A Family Engagement officer position at Bimberi Youth Justice Centre is a key senior role within Bimberi, designed to assist engagement of families of all young people and to promote Aboriginal and Torres Strait Islander perspectives in the day-to-day functions of Bimberi. The most recent officer to be appointed to this position occurred in March 2014.

In August 2014, an Aboriginal and Torres Strait Islander engagement and cultural officer was employed to provide appropriate cultural and other support, case management and supervision to Aboriginal and Torres Strait Islander young people. The position provides cultural advice to Youth Justice Case Management (YJCM) staff, and support to Aboriginal and Torres Strait Islander young people and their families involved with YJCM.



There are three full-time Aboriginal and Torres Strait Islander staff supporting Care and Protection Services staff in the preparation and implementation of cultural plans.

There are three identified Aboriginal and Torres Strait Islander people employed to work across the three Child and Family Centres operated by the Office for Children, Youth and Family Support. (In addition, all Child and Family workers have attended cultural competence training to ensure that staff have the appropriate skills required to work with Aboriginal and Torres Strait Islander children, young people and families.

The Office for Aboriginal and Torres Strait Islander Affairs have 14 staff whom predominantly identify as Aboriginal or Torres Strait Islander people.

- b** Of those levels how many Aboriginal and Torres Strait Islander people hold senior levels within your Directorate?

Several Aboriginal and Torres Strait Islander staff are employed in senior or management roles, including senior youth worker roles, at Bimberi Youth Justice Centre.

The manager of the West Belconnen Child and Family Centre is an Aboriginal woman. This level is at HP5. This manager also acts as a cultural consultant to Melaleuca Place, Trauma Recovery Centre.

The Office for Aboriginal and Torres Strait Islander Affairs have a number of senior Aboriginal and Torres Strait Islander people employed as senior levels including one SES.

There is one senior officer in Housing and Community Services.

- c** How does your Directorate support your Aboriginal and Torres Strait Islander staff, such as Leadership, Training and Development and Mentoring?

All OCYFS staff participate in the OCYFS Supervision framework which includes regular supervision and Individual Performance Agreements. OCYFS can also access Study Bank, Leadership Mentoring and career support.

OCYFS encourages and has taken Aboriginal and Torres Strait Islander people on work experience, traineeships, and student placements.¹¹⁴

Hearings

4.34 In hearings of 3 December 2014, the Elected Body noted that in April 2013 it had been told that 'a component of the new OATSIA office would be a capability team whose role would include supporting other Aboriginal and Torres Strait Islander employees in CSD'. The Elected Body asked whether there was a team in the office which performed this function, and how it was done.¹¹⁵

4.35 In responding, the Executive Director, Service Strategy and Community Building, told the Elected Body that:

the Office for Aboriginal and Torres Strait Islander Affairs was restructured and supplemented starting from 1 July 2013. At that stage the decision was taken that the office would be headed up by a designated senior executive service officer position, which was very important for us.¹¹⁶

114 Community Services Directorate, response to ATSIEB generic questions 2014 (unpaginated).

115 ATSIEB, Transcript of Evidence, 03-12-14, p.39.

116 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.39.



4.36 As regards responsibilities of teams in the office, she told the Elected Body that:

Initially in doing that redesign we established three teams. In working with the three teams over the 12-month period, and even before the end of the first 12-month period, the new director, Robyn Forester, formed the view we were spreading our efforts too thinly and that the community would be better served by having two dedicated teams—essentially a strategic policy team which would support most particularly the assistance to the minister with government functions and development of strategic policy and a second team which would have responsibility for community engagement.¹¹⁷

4.37 Regarding this, she told the Elected Body:

I think the elected body would understand that if you spread your resources too thinly you end up not having enough grunt in the areas you want to have it. We are better off identifying a number of things we believe are achievable with the resources we have rather than, as I would say, overpromising and underdelivering. We feel reducing those teams from three to two will really concentrate our efforts, put the resources where they need to be and provide support, hopefully, to the elected body in a way which serves your goals.¹¹⁸

4.38 At this point the Director-General CMD also responded. She told the Elected Body that:

the short answer is there is a vertical integration. There is not a specific team that is articulated as the team working on cultural proficiency, but the office still see that as one of their key functions. There is a specific reference to the activities that relate to that cultural proficiency objective in the business plan for the Office of Aboriginal and Torres Strait Islander Affairs, which we would be happy to provide as evidence to the committee.¹¹⁹

4.39 She went on to say that:

Further to that, the role of the office in very practical terms over the last 12 months has been to engage with Aboriginal and Torres Strait Islander employees across the ACT Government through the employees network. They have been working to ensure that network maintains its presence and supports that network to build the confidence of Aboriginal and Torres Strait Islander employees across the government and also to be seen as a legitimate forum for consultation on issues that affect the community. That has certainly been happening, and we provide the secretariat for that staff network through the office.¹²⁰

4.40 In addition, she told the Elected Body:

We also have established an Aboriginal and Torres Strait Islander employees communication network using an intranet system within government. We are able to keep that network abreast of issues that are pertinent. I am sure there is more we can do to exploit that, but we have essentially been establishing that platform for communication with employees.¹²¹

4.41 She went on to say that:

I know the office field almost on a weekly basis queries coming in from other agencies about the appropriate way to engage with the elected body, the appropriate way to conduct consultations with the community and advice on issues that come up from time to time. It is important for the Community Services Directorate at large to provide some leadership on what organisations should be doing around cultural proficiency.¹²²

117 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.39.

118 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.39.

119 Ms Natalie Howson, ATSIEB, Transcript of Evidence, 03-12-14, pp.39–40.

120 Ms Natalie Howson, ATSIEB, Transcript of Evidence, 03-12-14, p.40.

121 Ms Natalie Howson, ATSIEB, Transcript of Evidence, 03-12-14, p.40.

122 Ms Natalie Howson, ATSIEB, Transcript of Evidence, 03-12-14, p.40.



4.42 The Director-General went on to make wider comment on the employment Aboriginal and Torres Strait Islander people in the Directorate. She told the Elected Body that:

we have the highest proportion of Aboriginal and Torres Strait Islander staff than any other Directorate within the ACT Government. We are exceeding the ACT Government's target for Aboriginal and Torres Strait Islander employees. We are attracting some very excellent workers that are informing our approach and guiding the way we are delivering our services.¹²³

4.43 Moreover, she told the Elected Body:

We are also building in expectations around proficiency within the performance agreements of executives, and we are tackling that issue through the lens of our service model and our approach to service delivery ensuring access for the Aboriginal and Torres Strait Islander community. Each executive director is being asked to examine the status of what they would consider to be the cultural proficiency of their service arm and set objectives and key priorities for this year to work towards improvement in that area.¹²⁴

Consult when developing programs and services

Written response

4.44 The Directorate's written response to the Elected Body's fourth generic question was as follows.

Early Intervention and Prevention Services

The Child and Family Centres consult with the Aboriginal and Torres Strait Islander community and key agencies, such as Gugan Gulwan, when identifying need and developing programs. The Child and Family Centres have strong relationships with this community and consultation occurs readily.

The Growing Healthy Families program at WBCFC has been shaped by ongoing community consultation. Centre staff encourages local Aboriginal and Torres Strait Islander community to take a strong leadership role within the program. All projects and programs within Growing Healthy Families have been the result of suggestions from the Aboriginal and Torres Strait Islander community.

This consultative approach ensures that programs are well attended and Aboriginal and Torres Strait Islander people continue to access mainstream services available at the Child and Family Centres. Formal community consultations will take place biannually.

a Does your Directorate have an Indigenous reference group it uses for consultation, other than the Aboriginal and Torres Strait Islander Elected Body?

ACT Aboriginal and Torres Strait Islander Office for Aboriginal and Torres Strait Islander Affairs supports the ACT Aboriginal and Torres Strait Islander Public Service Network.

The ACT Public Service is committed to increasing opportunities for the employment of people from Aboriginal and Torres Strait Islander backgrounds to reflect the diversity of our community.

Aboriginal people and Torres Strait Islanders employed by the ACT Public Service will have an opportunity to contribute through the Network to improving service and program delivery by the ACT Government and to promote cultural understanding.

¹²³ Ms Natalie Howson, ATSIEB, Transcript of Evidence, 03-12-14, p.40.

¹²⁴ Ms Natalie Howson, ATSIEB, Transcript of Evidence, 03-12-14, p.40.



The ACT Public Service Aboriginal and Torres Strait Islander Network will provide:

- a regular forum for the exchange of information between Aboriginal and Torres Strait Islander employees
- the opportunity for Aboriginal and Torres Strait Islander employees to make recommendations regarding the design, implementation and delivery of services and programs that are funded by the ACT Government
- the opportunity for staff networking and support.

Youth Services

Youth service uses a number of mechanisms to consult with the Aboriginal and Torres Strait Islander community to develop programs and services including:

- A representative from the Aboriginal and Torres Strait Islander Elected Body participates on the Youth Justice Blueprint Implementation Group. This group provides long-term strategic direction on actions to improve services and supports for children and young people who are at risk or in contact with the youth justice system in the ACT. The group monitors the implementation of actions in the Blueprint's three-year action plan and ensures a whole-of-government and community commitment to driving youth justice reforms. It comprises senior representatives from ACT Government Directorates and community organisations.
- Narrabundah House Indigenous Supervised Residential Facility (NHISRF) has been redeveloped in consultation with staff as well as members of the Aboriginal community and is closely linked to the government's commitments under the *Blueprint for Youth Justice in the ACT 2012–22*. The NHISRF Governance Committee provides oversight of the program and meets quarterly to:
 - endorse referrals to Narrabundah House
 - brief Executive of CSD and Office for Children, Youth and Family Support (OCYFS) regarding exceptional placements
 - review and monitor the progress and transition of residents
 - review and monitor the progress and development of the program
 - manage community relations.
- The Case Management and Support (MPower) initiative is delivered through collaborative partnerships with the Aboriginal and Torres Strait Islander community and service providers, and coordinating program delivery for young people who are at high risk of involvement in the youth justice system. As part of this work, an approach to strengthen cultural planning for young people on justice orders has been developed. This work involved broad consultation with Aboriginal and Torres Strait Islander stakeholders, government and community organisations, giving particular consideration of the needs of Aboriginal and Torres Strait Islander young people.
- The Aboriginal and Torres Strait Islander and Youth Justice Programs and Services Coordination Committee provides oversight of programs and services for Aboriginal and Torres Strait Islander young people in the Bimberi Youth Justice Centre, identifies gaps in service provision and provides cultural guidance in service delivery and practice. The Committee meets quarterly to coordinate better service delivery for young people involved in youth justice and includes Aboriginal and or Torres Strait Islander representatives from:
 - Aboriginal Legal Service
 - Gugan Gulwan
 - Relationships Australia



- Winnunga
- Office for Aboriginal and Torres Strait Islander Affairs.

Care and Protection Services

A key element of the *Out of Home Care Strategy 2015–20* is the development of a pool of Aboriginal and Torres Strait Islander cultural advisors. These advisors will be established in order to provide Care and Protection Services with independent advice when key decisions are being made including placement decisions and to assist with cultural plans. Cultural advisors will:

- Provide culturally-appropriate advice that supports the best interests of the child or young person to meet their individual needs and enhance their physical, emotional, cognitive, social and cultural development.
 - Assist with the planning, development and implementation of the Aboriginal and Torres Strait Islander Cultural Plan (Cultural Plan) to help maintain a child or young person's cultural identity while they reside in out of home care.
 - Interviews for the panel of Cultural Advisors have commenced and appointments are pending.
- b** How do you determine membership on this reference group?
- ACT Aboriginal and Torres Strait Islander Public Service Network
 - open to all ACT PS Aboriginal and Torres Strait Islander employees
 - Youth Services and Care and Protection see above.¹²⁵

Hearings

4.45 Consultation with Aboriginal and Torres Strait Islander people was discussed in hearings of 3 December 2014, in particular a consultation process undertaken by the Office of Ageing in association with an older persons assembly, held at the Legislative Assembly for the ACT.¹²⁶

4.46 The Executive Director, Service Strategy and Community Building, told the Elected Body that this had involved:

A very broad-based approach to consultation with older people right around the community, including culturally and linguistically diverse communities and Aboriginal and Torres Strait Islander communities, to get a picture of what older people were concerned about.¹²⁷

4.47 She went on to say that:

The main themes that were coming through included transport, which has been a very big issue for Aboriginal and Torres Strait Islander people and is identified as an issue for accessing services generally. That is an issue that older people have identified as well.¹²⁸

4.48 This was, she told the Elected Body, part of wider concerns regarding 'the safety of the urban environment', about:

... safely being able to access public transport, safely being able to be at bus shelters in order to access public transport, making sure that footpaths are safe for older people to walk on and those sorts of things that might seem basic to other people. If you are not older and experiencing it, you take it for granted; it

¹²⁵ Community Services Directorate, response to ATSIEB generic questions 2014 (unpaginated).

¹²⁶ ATSIEB, Transcript of Evidence, 03-12-14, p.43.

¹²⁷ Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, pp.43–44.

¹²⁸ Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.44.



does not matter if the footpath is a bit bumpy. But if you are an older person on a walker, it is very difficult for you.¹²⁹

Increase Aboriginal and Torres Strait Islander economic participation

Written response

4.49 The Directorate's written response to the Elected Body's fifth generic question was as follows.

West Belconnen Child and Family Centre has supported Aboriginal and Torres Strait Islander women to access Return to Work grants, set up their own businesses and assisted with writing resumes and applications.

Aboriginal and Torres Strait Islander Job Readiness Support Program

The program was tendered during the 2013–14 period and retained the main tenants of the former CHANCES Program with the focus on a more tailored approach to meet individual needs in providing support services. On completing the 16 week training program, participants will be offered a support period of six to 12 months to maximise their potential to engage more fully with educational and employment opportunities.

The program is specifically targeted to the following Aboriginal and Torres Strait Islander residents in the ACT:

- high-need families
- high-risk families
- women, youth and their families
- those who are deemed to be at risk of homelessness, reoffending or facing long-term unemployment.

2013–14 ACT Aboriginal and Torres Strait Islander Grants Program

The Office for Aboriginal and Torres Strait Islander Affairs administers the Aboriginal and Torres Strait Islander Grants program that was fully subscribed and consisted of three grant programs for:

- Leadership Grants
- Cultural Grants
- Scholarship Grants.¹³⁰

Hearings

4.50 Matters relevant to the Elected Body's fifth generic question were not directly discussed in hearings of 3 December 2014. The West Belconnen Child and Family Centre was discussed in hearings and are considered in connection with the Elected Body's first generic question, above.

4.51 Economic participation is also considered above, in connection with the Elected Body's third generic question regarding the Directorate's workforce of Aboriginal and Torres Strait Islander staff.

129 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.44.

130 Community Services Directorate, response to ATSIEB generic questions 2014 (unpaginated).



Elected Body engage with Directorate

Written response

4.52 The Directorate's written response to the Elected Body's sixth generic question was as follows.

The Directorate values the interactions the Aboriginal and Torres Strait Islander Elected Body through the Strategic Board Subcommittee on Aboriginal and Torres Strait Islander Affairs and the Elected Body portfolio member.

This includes the work on the ACT Aboriginal and Torres Strait Islander Whole-of-Government Agreement, the Out of Home Care Strategy, the Older Persons Accommodation and the Youth Justice Blueprint.¹³¹

Hearings

4.53 Older Persons Accommodation was discussed in hearings of 3 December 2014,¹³² and is considered in connection with the Elected Body's first generic question above.

Questions Taken on Notice

4.54 In addition to the written responses and witness testimony considered above, a further Question Taken on Notice was asked and answered regarding:

- contractual requirements for service providers to engage with Indigenous people
- evidence required of ACT specialist homelessness services to improve engagement with Aboriginal and Torres Strait Islander service users
- outcomes of discussions on tourism potential of the ACT Aboriginal and Torres Strait Islander Cultural Centre
- how community consultations, done in association with Older Persons, were advertised
- next steps in Office for Ageing consultations
- whether the Elected Body's community priorities were referred to or consulted in terms of the drafting and development of submissions for Indigenous Advancement Strategy funding; and

Elected Body comment

First generic question

4.55 The Elected Body notes evidence tendered to it in the written response to its first generic question, above, which references:

- Aboriginal and Torres Strait Islander Housing Assistance
- Specialist Homelessness Services
- Early Intervention and Prevention Services
- Youth Services
- Care and Protection Services

¹³¹ Community Services Directorate, response to ATSIEB generic questions 2014 (unpaginated).

¹³² ATSIEB, Transcript of Evidence, 03-12-14, pp.33-34.



- Diverting children and young people from care
- Aboriginal and Torres Strait Islander children in care
- Kinship Care Support Team
- Cultural Care Advisors
- Koori Preschools
- National Disability Insurance Scheme (NDIS) and Aboriginal and Torres Strait Islander People
- Human Services Gateway
- *ACT Prevention of Violence against Women and Children Strategy 2011–17*
- Jervis Bay Territory
- ACT regional-based services.

4.56 In relation to evidence tendered in hearings, in relation to money provided by the Commonwealth to support programs for Aboriginal and Torres Strait Islander people, the Elected Body perceives a familiar pattern of the need to generate grant applications,¹³³ terminations of funding programs,¹³⁴ and *ad hoc* extensions of funding arrangements.¹³⁵

4.57 This is a pattern that is replicated across every Australian jurisdiction. It gives an appearance of activity and intent, but is in fact a poor second to the properly-administered and stable funding needed if the circumstances of Aboriginal and Torres Strait Islander people are to improve. Grant applications alone, under these conditions, often represent an undue drain on resources that would otherwise be allocated to program delivery.

4.58 More positive is the advice that the Directorate does not, for the most part, rely on Commonwealth funding to support its services for Aboriginal and Torres Strait Islander people.¹³⁶

4.59 In light of this the Elected Body makes the following recommendation.

RECOMMENDATION 6

4.60 **The Elected Body recommends that the ACT Government in its dealings with the Commonwealth advocate for an alternative model of funding for programs for Aboriginal and Torres Strait Islander people which would recognise the costs of short-term funding arrangements, and give due weight to the value of consistency, predictability and follow-through for that funding.**

4.61 The Elected Body notes discussion with the Directorate regarding the Older Persons Housing Project and the National Disability Insurance Scheme (NDIS), both of which hold considerable importance for Aboriginal and Torres Strait people in the ACT.

4.62 In relation to the Older Persons Housing Project the Elected Body looks forward to seeing timely development and completion of the first part of this project so as to begin meeting unmet need for older persons' accommodation in the Aboriginal and Torres Strait Islander community.

133 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.31.

134 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.29.

135 Mr Paul Wyles, ATSIEB, Transcript of Evidence, 03-12-14, p.29.

136 Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.29.



4.63 In relation to the NDIS the Elected Body notes the potential for uncertainty and stress for Aboriginal and Torres Strait Islander people reliant on disability services in the transition to new arrangements. In light of this it encourages the Directorate to keep this in view and to provide, as far as possible, updates to Aboriginal and Torres Strait Islander people on changes and new developments arising as a result of the transition.

4.64 In light of this the Elected Body makes the following recommendation.

RECOMMENDATION 7

4.65 **The Elected Body recommends that the ACT Government, in light of uncertainty generated by the transition to the National Disability Insurance Scheme (NDIS) ensure that it engages the Aboriginal and Torres Strait Islander community in the ACT and keeps it informed of developments and changes to service delivery.**

Second generic question

4.66 The Elected Body notes information provided to it in the Directorate's written response to the Elected Body's second generic question, above, including information on data captured in relation to:

- Early Intervention and Prevention Services
- Care and Protection Services
- Youth justice.

4.67 The Elected Body notes also evidence tendered in hearings regarding homelessness services,¹³⁷ and disability and therapy services,¹³⁸ provided to Aboriginal and Torres Strait Islander people in the ACT.

4.68 In view of the gravity and importance of homelessness as an influence of the lives of Aboriginal and Torres Strait Islander people, the Elected Body would welcome a more complete picture of the circumstances of Aboriginal and Torres Strait Islanders who were clients of homelessness services in the ACT, and those who were affected by homelessness but were not clients of those services.

4.69 In light of this the Elected Body makes the following recommendation.

RECOMMENDATION 8

4.70 **The Elected Body recommends that the ACT Government conduct studies of Aboriginal and Torres Strait Islander people in the ACT affected by homelessness, to identify drivers and remedies, and to ensure an accurate picture of demand and supply for homeless services for this client population.**

Third generic question

4.71 The Elected Body notes information provided to it by the Directorate in response to its third generic question.

4.72 The Elected Body is pleased to note that the percentage of staff in the Directorate who identify as Aboriginal and Torres Strait Islander, at 2.9 per cent, is above the agreed 2 per cent target for agencies in the ACT public sector, and is considerably above the 1.2 per cent of total ACT Public Service workforce as at June 2014 quoted in the written response.¹³⁹

137 Mr David Matthews, ATSIEB, Transcript of Evidence, 03-12-14, p.43.

138 Ms Meredith Whitten, Disability ACT, ATSIEB, Transcript of Evidence, 03-12-14, p.48.

139 Community Services Directorate, response to ATSIEB generic questions 2014 (unpaginated).



- 4.73 In relation to evidence tendered in hearings, to the effect that cultural proficiency functions in the Office of Aboriginal and Torres Strait Islanders Affairs (OATSIA) are no longer assigned to particular staff, but attach to all positions in the Office, the Elected Body has resolved to maintain a 'wait and see' attitude on whether this is the best way to support this function. In the view of the Elected Body, cultural proficiency is an important imperative across government, and OATSIA does —and must— take the lead on this in the ACT public sector.
- 4.74 The Elected Body would be very concerned if, by way of these new arrangements, were to slip down the list of priorities so that it became something that was performed when there were no other pressing matters. In light of this, the Elected Body will maintain a watching-brief on this matter in future hearings, and may seek to make a recommendation in this area in the future, depending on outcomes of the new arrangement.
- 4.75 The Elected Body also notes evidence tendered regarding the Aboriginal and Torres Strait Islander employees communication network, and support for it by way of 'an intranet system within government'.¹⁴⁰ As for some other matters on which the Elected Body has made comment above, while the creation of an intranet platform for the network is a welcome development, focus on this alone could amount to a valuing of process over outcomes.
- 4.76 In light of this the Elected Body would welcome greater detail on the Aboriginal and Torres Strait Islander employees communication network including, but not limited to, access figures for the relevant intranet web-pages. The Elected Body would be interested to be advised of specific outcomes and benefits that have emerged as a result of the existence of the Aboriginal and Torres Strait Islander employees communication network, and may pursue such questions in future hearing processes.

Fourth generic question

- 4.77 The Elected Body notes evidence provided to it in the Directorate's written response to its fourth generic question.
- 4.78 The Elected Body notes that in at least some of the items in the written response the Directorate relied on consultation with staff of the Directorate, although it is notable that in connection with Care and Protection Services the Directorate had fostered a pool of cultural advisors to help guide its work. In evidence tendered in hearings the Directorate relied, significantly, on its involvement in an older persons assembly held at the Legislative Assembly for the ACT.¹⁴¹
- 4.79 In the view of the Elected Body, while these are positive developments, for the most part they do not amount to a broad-based approach to engage Aboriginal and Torres Strait Islander people. It is to be noted that as a result of its responsibilities in terms of Care and Protection, housing, and youth justice, the Directorate has significant contact with, and responsibility for, Aboriginal and Torres Strait Islander people. An expansion of consultations with Aboriginal and Torres Strait Islander people would, in the view of the Elected Body, be likely to result in more appropriate and sustainable services to this client group.
- 4.80 In light of this the Elected Body makes the following recommendation.

RECOMMENDATION 9

- 4.81 **The Elected Body recommends that the Community Services Directorate (CSD) adopt a broader, systemic, approach to consultation with its Aboriginal and Torres Strait Islander client groups to ensure appropriate and sustainable services.**

¹⁴⁰ Ms Natalie Howson, ATSIEB, Transcript of Evidence, 03-12-14, p.40.

¹⁴¹ ATSIEB, Transcript of Evidence, 03-12-14, p.43.

Fifth generic question

- 4.82 The Elected Body notes evidence provided to it in the Directorate's written response to its fifth generic question.
- 4.83 The Elected Body takes the view that the Directorate's most important contribution in this area, for the time being, centres on its capacity to employ Aboriginal and Torres Strait Islander staff. This is hugely important due to the Directorate's service-delivery obligations to Aboriginal and Torres Strait Islander people, the visibility this provides for Aboriginal and Torres Strait Islander staff within that community, and the strong need for building ongoing cultural capability, in the Directorate, when meeting demand for this client group.

Sixth generic question

- 4.84 The Elected Body notes evidence provided to it in the Directorate's written response to its sixth generic question.

5 ENVIRONMENT AND PLANNING DIRECTORATE



Introduction

- 5.1 Officers of the Environment and Planning Directorate (EPD) appeared before the ATSIEB in hearings of 3 December 2014.
- 5.2 The Directorate's responses to the Elected Body's generic questions, and selected witness testimony from hearings, are considered below.

Improve the lives of Aboriginal and Torres Strait Islander people

Written responses

- 5.3 The Directorate's written response to the Elected Body's first generic question was as follows.

The Directorate undertakes a range of activities to promote sustainable practices including actively engaging with the Aboriginal and Torres Strait Islander community. Programs undertaken by the Directorate include:

ACT Aboriginal Natural Resource Management (NRM) Facilitator

Employed through funding from the Australian Government the Aboriginal NRM Facilitator plays an important role in increasing Aboriginal participation in NRM to achieve better environmental outcomes. This position has increased Aboriginal participation in NRM by supporting the application of traditional ecological knowledge to biodiversity conservation. The position is also an important vehicle for advancing reconciliation, and economic and community development of Aboriginal people.

The Aboriginal NRM Facilitator has engaged local Traditional Custodians, the wider Aboriginal community, Aboriginal sporting and recreation groups, Aboriginal owned businesses, and Aboriginal detainees at the Alexander Maconochie Centre (an ACT prison and remand facility). This has included a range of natural resource management activities such as training and capacity building on diverse NRM issues, tree planting, weaving classes to women's/mother's groups, interpretation of Aboriginal heritage sites and Aboriginal cultural landscapes, Aboriginal land management, and teaching children how to fish.

The Aboriginal Facilitator also engages the whole ACT community in activities that increase knowledge and understanding of Aboriginal NRM and heritage values. Examples of activities delivered by the Aboriginal NRM Facilitator include:

- workshops on Aboriginal NRM, such as identifying common artefacts and the procedures for protecting Aboriginal artefacts and sites under the *ACT Heritage Act 2004*; and weaving classes for women's/mother's groups
- community events such as a carp fishing day for children, and a Reconciliation planting day at the Aboriginal and Torres Strait Islander Cultural Centre in June 2014 attended by more than 120 people
- publishing the *Ngunnawal Plant Use Book* (August 2014)—a field guide to Ngunnawal use of plants endemic to the ACT



- management of a two-year Aboriginal employment and training program (2011–13) which engaged a team of four Aboriginal people to undertake environmental restoration in the Cotter River catchment west of Canberra and interpret and apply Aboriginal traditional ecological knowledge to their work
- supporting community Catchment Groups to engage local Aboriginal knowledge holders to support increased knowledge of Aboriginal NRM amongst the general community.

Support for the Heritage Council

The ACT Heritage Unit, in conjunction with the ACT Heritage Council, has facilitated numerous heritage projects, including coordinating and producing Aboriginal heritage interpretative sites throughout the ACT, to recognise and promote the history of Aboriginal occupation and culture in the ACT.

Land Investigations

The Directorate utilises the services of Representative Aboriginal Organisations to perform assessment of study areas to ensure that Aboriginal heritage values are preserved.

- If your Directorate does provide regional services have these been impacted on service delivery due to the last federal budget cuts?

*To date, no services have been impacted by budget cuts.*¹⁴²

Hearings

- 5.4 In hearings of 3 December 2014 the Elected Body discussed matters indicated in the Directorate's written response to the Elected Body's first generic question.
- 5.5 In relation to the 'awareness' activities, the Senior Manager, Nature Conservation Policy referred to Aboriginal Natural Resource Management (NRM) Facilitator, and told the Elected Body that this position was 'funded by the Commonwealth' but was 'part of our regional delivery program'.¹⁴³
- 5.6 Other awareness activities, she told the Elected Body, included:
- 'a 12-month Aboriginal land management course for Indigenous detainees at the Alexander Maconochie Centre', commenced in 2013–14, which anecdotal evidence suggested was 'going very well', with plans to conduct 'a formal review and evaluation'.¹⁴⁴
 - an 'Aboriginal heritage workshop' and 'identifying and protecting Aboriginal cultural heritage in the field', which 'involved 48 ACT Government staff and Parkcare and Landcare volunteers'.¹⁴⁵
 - 'cultural bush regeneration activities with women's and men's groups', which 'had a strong health element'.¹⁴⁶
 - a 'very successful reconciliation planning day', 'held on 30 May 2014 at Yarramundi Reach', which attracted '120 Aboriginal and non-Aboriginal participants', and provided workshops of weaving, cultural knowledge and planting.¹⁴⁷
- 5.7 In relation to land investigations, indicated in the Directorate's written response above, the Director-General, EPD, told the Elected Body that the Directorate had commissioned consultants to develop

142 Environment and Planning Directorate, response to ATSIEB generic questions 2014 (unpaginated).

143 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.58.

144 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.58.

145 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.58.

146 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.58.

147 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.58.



'background reports' on four new policy initiatives for the ACT Heritage Council: 'consulting with RAOs, return to Country so that we deal with repatriation of artefacts well, the cultural heritage reporting requirements, and how we undertake subsurface testing and excavations in the ACT'.¹⁴⁸

5.8 Acting Manager, Legislation and Policy Officer, Planning and Heritage Branch, told the Elected Body that:

The need for the four policies has come about because we are aware that, with a lot of the development that happens on greenfield and brownfield sites regarding archaeological works and Aboriginal sites, there is a range of different approaches and ways that those works are undertaken. There is no consistent approach across different developers and proponents and different archaeological consultants. We are trying to introduce a level of consistency around the way each of those different aspects occurs—the consultation, the reporting requirements, the methodology of undertaking any archaeology and the return to country policies.¹⁴⁹

5.9 Regarding progress on these policies, the Acting Manager told the Elected Body that:

we have engaged separate consultants for each of those different background studies, so they are at various stages. Only one of those has to date been finalised by the consultant. All of the consultants preparing each of those reports has engaged with the RAOs to develop those background studies. They have all been submitted to the Heritage Council in draft format and the council is in the process of considering each of those at the moment.¹⁵⁰

5.10 She went on to say that, of these:

The one tracking furthest along the pipeline at the moment is the policy around reporting requirements. The background study of it has been finalised by the consultant. We are hoping that the council will be in a position to provide in-principle support for what the draft policy might look like in early 2015, and it would be at that stage that we would go out for further consultation before it is finalised.¹⁵¹

Capture data on interactions with Aboriginal and Torres Strait Islander people

Written responses

5.11 The Directorate's written response to the Elected Body's second generic question was as follows.

Outreach Energy and Water Efficiency Program

One thousand and seventy-seven (1077) low income households participated in the 2013–14 Outreach Energy and Water Efficiency Program. Seventy-nine (79) of these identified as Aboriginal and Torres Strait Islander—approximately 7 per cent.

ACTSmart Schools

All schools in the ACT (both public and non-government) are registered with ACTSmart Schools. This equates to 70,560 students. Of these 70,560, 1,960 are Aboriginal and Torres Strait Islander students.¹⁵²

148 Ms Dorte Ekland, ATSIEB, Transcript of Evidence, 03-12-14, pp.69–70.

149 Ms Anna Gurnhill, ATSIEB, Transcript of Evidence, 03-12-14, p.70.

150 Ms Anna Gurnhill, ATSIEB, Transcript of Evidence, 03-12-14, p.70

151 Ms Anna Gurnhill, ATSIEB, Transcript of Evidence, 03-12-14, p.70

152 Environment and Planning Directorate, response to ATSIEB generic questions 2014, p.1.



Hearings

- 5.12 The matters indicated in the Directorate's written response to the Elected Body's second generic question, or other matters relevant to data capture on Aboriginal and Torres Strait Islander people by the Directorate, were not discussed in any great detail in hearings of 3 December 2014.

Promote Aboriginal and Torres Strait Islander employment

Written responses

- 5.13 The Directorate's written response to the Elected Body's third generic question was as follows.

How do you promote Aboriginal and Torres Strait Islander employment in your Directorate?

What are the current Aboriginal and Torres Strait Islander levels in your Directorate?

At 30 June 2014, EPD had six employees who identified as Aboriginal or Torres Strait Islander. This represented 1.34 per cent of the Directorate.

Of those levels how many of Aboriginal and Torres Strait Islander people hold senior levels within your Directorate?

The report provided refers to the number of employees however, it does not identify them. As we respect the privacy of all our employees, this information is not available.

How does your Directorate support your Aboriginal and Torres Strait Islander staff, such as Leadership, Training and Development and Mentoring?

All staff within EPD have access to training and are supported through the Performance Management Framework. Any opportunities for leadership training and mentoring are communicated to all staff through the email and Intranet systems.

How do you consult when developing programs and services that will have an impact on the lives of Aboriginal and Torres Strait Islander people?

Does your Directorate have an Indigenous reference group it uses for consultation, other than the Aboriginal and Torres Strait Islander Elected Body?

Whilst EPD does not have a specific reference group, the Directorate has formed a Reconciliation Action Plan (RAP) Working Group which has been meeting regularly to progress the development and implementation of the EPD RAP.

How do you determine membership on this reference group?

By self nomination.¹⁵³

Hearings

- 5.14 In hearings of 3 December 2014 the Elected Body asked questions regarding the Yurung Dhaura employment program conducted by the Directorate.¹⁵⁴

¹⁵³ Environment and Planning Directorate, response to ATSIEB generic questions 2014, pp.1–2.

¹⁵⁴ ATSIEB, Transcript of Evidence, 03-12-14, p.68.



5.15 The Senior Manager, Nature Conservation Policy, told the Elected Body that this had been a successful project, which was conducted between 2011 and 2013, involving six individuals, and that all six who had been through the program were 'currently in paid employment or attending university'.¹⁵⁵

5.16 She went on to provide further detail on participants, telling the Elected Body that:

One member won a three-year contract as an Indigenous restoration officer with Greening Australia, which will finish in 2016. That was possible through our successfully getting a biodiversity fund grant through the Commonwealth; it has been an important part of our Aboriginal NRM network that has been established. Another member won a position with the Aboriginal Legal Service and is now working for ACT Legal Aid. One member won a series of land management contracts with Territory and Municipal Services; he has recently left that but has continued involvement in cultural heritage and NRM businesses within his family. Another member won a position as a teacher's aide with a Queanbeyan school and then moved to a Medicare Local, working on community development projects. So it is quite diverse. Another member has returned to university studies in cultural heritage and land management, and won a student position with the Institute of Aboriginal and Torres Strait Islander Studies. I think she will be a future leader. Another member is now working on landscaping.¹⁵⁶

5.17 She told the Elected Body that:

A really important part of the project was skills development and the training recognition. Three of the members — some were in it for a shorter period, but three members were in it for most of the two years — got conservation and land management certificate IIIs, which is high recognition, getting some qualifications.

None of the people have been retained within EPD, because they have been successful in getting other positions. And that was really the purpose of the program — to skill team members up so they are competitive to apply for positions in NRM, if that is where they wanted to be, or their chosen field. It is interesting to me that they actually went through the NRM, and that was the focus of the training, but they have gone into a diverse range of fields.¹⁵⁷

5.18 Regarding funding for the program, she told the Elected Body that:

This project was possible through funding provided by the Commonwealth under the Caring for our Country program. That avenue is no longer there; the Commonwealth have changed their program arrangements. But we are keeping an eye out. Under the Australian Government's national land care program, they have things like green army coming out. We are looking at those to see if there are opportunities. The programs change, but the need is there.¹⁵⁸

5.19 At the time of the hearings, she told the Elected Body, the Directorate was:

In a better position to see those opportunities, whether they are employed within government initially or whether they are employed by some of our project partners, whether it is Greening Australia or some of our catchment groups. We are in discussions, looking at what the green army program provides and seeing what these opportunities are.¹⁵⁹

5.20 She noted the success of the program and told the Elected Body that it was 'the only project that has ever received a national land care award' and that this amounted to 'high-level recognition'.¹⁶⁰

155 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.67.

156 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, pp.67-68.

157 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.68.

158 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.68.

159 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.68.

160 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.68.



Consult when developing programs and services

Written responses

5.21 The Directorate's written response to the Elected Body's fourth generic question was as follows.

How do you consult when developing programs and services that will have an impact on the lives of Aboriginal and Torres Strait Islander people?

Does your Directorate have an Indigenous reference group it uses for consultation, other than the Aboriginal and Torres Strait Islander Elected Body?

Whilst EPD does not have a specific reference group, the Directorate has formed a Reconciliation Action Plan (RAP) Working Group which has been meeting regularly to progress the development and implementation of the EPD RAP.

How do you determine membership on this reference group?

By self nomination.¹⁶¹

Hearings

5.22 Comments by the Directorate in hearings of 3 December 2014 on consultation with Aboriginal and Torres Strait Islander people focussed, to a certain extent, on Representative Aboriginal Organisations and the degree to which the Directorate consulted with the United Ngunnawal Elders Council.¹⁶²

5.23 In particular, the Elected Body asked the Directorate:

Do you have an advisory group from the Ngunnawal people to seek advice and input on heritage, culture and environment issues? If not, do you intend to establish one?¹⁶³

5.24 In responding to the question, the Director-General told the Elected Body that:

Certainly we and our ministers recognise the elders council as the peak group, but then some of our legislation, in particular the heritage legislation, requires a certain type of consultation with the representative organisations that are registered.¹⁶⁴

5.25 The Senior Manager, Nature Conservation Policy, also responded to the question with regard to Natural Resource Management. She told the Elected Body that:

For our Commonwealth Natural Resource Management programs we have established the ACT NRM council, and its charter is available on the website, under ACT NRM council. But there is a specific requirement for the composition of members to provide experience, skills and knowledge, including Indigenous land management and cultural awareness. So they are some of the criteria.

A Ngunawal man, Tyrone Bell, is a member of the NRM council and he is very engaged and is very supportive. In terms of our NRM programs, Tyrone is fantastic. We have actually had meetings where we have discussed specifically NRM Aboriginal engagement. But we are willing to explore other opportunities and suggestions.¹⁶⁵

¹⁶¹ Environment and Planning Directorate, response to ATSIEB generic questions 2014, p.2.

¹⁶² ATSIEB, Transcript of Evidence, 03-12-14, p.63.

¹⁶³ ATSIEB, Transcript of Evidence, 03-12-14, p.63.

¹⁶⁴ Ms Dorte Ekland, ATSIEB, Transcript of Evidence, 03-12-14, p.64.

¹⁶⁵ Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.64.



5.26 She also told the Elected Body that:

A number of other regional bodies across Australia have an Aboriginal reference group. Some of them have problems like distance and things that we do not have. So we have more relied on the NRM council with an Aboriginal representative and then relied more on one-on-one or discussions and networking and things like that. But we are open to consider other options and discuss that further with Tyrone and our Aboriginal NRM facilitator.¹⁶⁶

5.27 The Acting Manager, Legislation and Policy Officer, Planning and Heritage Branch, responded to the question with regard to heritage matters. She told the Elected Body that:

Under the *Heritage Act 2004* the minister can declare Representative Aboriginal Organisations and, as Dorte has already alluded to, we have four Representative Aboriginal Organisations that have been declared. There are a number of provisions in the legislation that require consultation to occur at certain different points between the Heritage Council and the Representative Aboriginal Organisations.

What often occurs is that our Aboriginal liaison officer will undertake that consultation on behalf of the council, and some of the matters that require consultation with the RAOs are around registration of Aboriginal places and objects, the declaration of restricted information by the Heritage Council around Aboriginal sites and also the declaration of repositories for Aboriginal artefacts. We also have an Aboriginal member on the Heritage Council and, even though at the moment she is not a Ngunnawal person, there is an expectation that that consultation will occur through that representative, that avenue, as well.

In recent years we have consulted more widely beyond the purely statutory requirements of consulting with RAOs, particularly in regard to things like legislative amendments which have recently occurred to the Heritage Act, in some of those circumstances with UNEC and the Elected Body as well.¹⁶⁷

5.28 At this point the Elected Body noted that the United Ngunnawal Elders Council were 'the recognised Indigenous group for this country', which represented 'the Ngunnawal people in the ACT', and asked whether there was 'enough consultation happening with the United Ngunnawal Elders Council to date'.¹⁶⁸

5.29 The Director-General responded by saying that there was 'probably always an opportunity for more'; that there was a need 'to have greater visibility of the work we are already doing', and that she was 'happy to say that there [was] scope for more' and was 'happy to do more'.¹⁶⁹

5.30 Asked further questions about the role of the United Ngunnawal Elders Council in Directorate processes, the Director-General told the Elected Body that:

We totally recognise the elders council as the peak group that we have the main consultation connections with for the general work that we do. Then we have the heritage legislation, which is quite specific about the organisations that we must consult with. But . . . we do consult beyond those.¹⁷⁰

5.31 The Acting Manager, Legislation and Policy Officer, Planning and Heritage Branch, also responded to these questions. She told the Elected Body that:

In the past, as I think you have already noted, the elders council has not been eligible for recognition as a representative Aboriginal organisation because of the way it is constituted. My understanding is that the representative organisations have to be registered as an entity, as a body. I think there has been some concern in the past that the elders council, as the peak organisation, is perhaps not best placed to be

¹⁶⁶ Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.64.

¹⁶⁷ Ms Anna Gurnhill, ATSIEB, Transcript of Evidence, 03-12-14, p.64.

¹⁶⁸ ATSIEB, Transcript of Evidence, 03-12-14, p.65.

¹⁶⁹ Ms Dorte Ekland, ATSIEB, Transcript of Evidence, 03-12-14, p.65.

¹⁷⁰ Ms Dorte Ekland, ATSIEB, Transcript of Evidence, 03-12-14, p.65.



considered a representative Aboriginal organisation, given the particular roles and functions under the act. If there was to be a new application, that would be reconsidered.¹⁷¹

5.32 At this point the Elected Body asked a number of questions about the role of the United Ngunnawal Elders Council, it not having been designated a Representative Aboriginal Organisation for the purposes of the *Heritage Act 2004* (ACT).¹⁷²

5.33 In response, the Director-General said:

What I am understanding you are saying is that there seems to be a mismatch between the government's policy of recognising the elders council as the peak group that should always be consulted and the heritage framework where four specific groups have been recognised but the council is not one of them.¹⁷³

5.34 The Elected Body agreed with this synopsis.¹⁷⁴ The Director-General stated that 'we need to address that mismatch'.¹⁷⁵

Increase Aboriginal and Torres Strait Islander economic participation

Written responses

5.35 The Directorate's written response to the Elected Body's fifth generic question was as follows.

As noted in the programs listed above, the Directorate is committed to ensuring the economic participation of Aboriginal and Torres Strait Islander people. These programs ensure that Aboriginal and Torres Strait Islander people are engaged in the planning process and actively contribute to the territory.¹⁷⁶

Hearings

5.36 Matters relevant to this question, and the written response provided above, were considered in relation to the first generic question, above.

Elected Body engage with Directorate

Written responses

5.37 The Directorate's written response to the Elected Body's sixth generic question was as follows.

The regular meetings with our current Board member are proving useful and we will be better placed to make a more informed comment when this relationship has had time to develop.¹⁷⁷

171 Ms Anna Gurnhill, ATSIEB, Transcript of Evidence, 03-12-14, p.65.

172 See sections of the *Heritage Act 2004*, including sections 13, 14, 26, 31, 45, 53, 53B, 54 and 61B, available at: www.legislation.act.gov.au/a/2004-57/current/pdf/2004-57.pdf

173 Ms Dorte Ekland, ATSIEB, Transcript of Evidence, 03-12-14, p.67.

174 ATSIEB, Transcript of Evidence, 03-12-14, p.67.

175 Ms Dorte Ekland, ATSIEB, Transcript of Evidence, 03-12-14, p.67.

176 Environment and Planning Directorate, response to ATSIEB generic questions 2014, p.2.

177 Environment and Planning Directorate, response to ATSIEB generic questions 2014, p.2.



Hearings

5.38 In hearings of 3 December 2014 the Director-General told the Elected Body:

What I would be keen to do after today is, for the first report to you, to maybe wrap up some of the material that we would like to communicate to you that we did not have the opportunity to discuss today. That would be as a first report, then obviously we can explore other opportunities that we can work closely on with you, the elders councils and other organisations.¹⁷⁸

Questions Taken on Notice

5.39 No Questions Taken on Notice or Questions on Notice were asked and answered in relation to the Directorate in hearings of 3 December 2014.

Elected Body comment

First generic question

5.40 The Elected Body notes the Directorate's written response to its first generic question, referencing:

- ACT Aboriginal Natural Resource Management (NRM) Facilitator
- support for the Heritage Council
- land investigations.¹⁷⁹

5.41 In relation to evidence tendered in hearings the Elected Body was pleased to hear of the work of the Aboriginal Natural Resource Management (NRM) Facilitator, in particular the work conducted with Aboriginal and Torres Strait Islander detainees at the Alexander Maconochie Centre (AMC).¹⁸⁰

5.42 This, in the view of the Elected Body, is important work which holds out promise of more constructive pathways for Aboriginal and Torres Strait Islander people who have become involved in the criminal justice system.

5.43 The Elected Body is, however, concerned about the combination, on one hand, of reliance of the Directorate on the position of Aboriginal NRM Facilitator for its work on matters relevant to Aboriginal and Torres Strait Islander people, and the dependency of the Directorate on Commonwealth grant money to fund that position.¹⁸¹

5.44 The Elected Body is aware, in every jurisdiction, of a pattern in which good work is done, and momentum achieved, on the basis of short-term funding streams from the Commonwealth, and of that work coming to an end when funding stops. As noted elsewhere in this report, this gives an appearance of activity, but leaves much to be desired in terms of solid, consistent improvements over time in the circumstances of Aboriginal and Torres Strait Islander people. It may be that this pattern is one contributor Australia's present difficulties in 'Closing the Gap'.

178 Ms Dorte Ekland, ATSIEB, Transcript of Evidence, 03-12-14, p.76.

179 Environment and Planning Directorate, response to ATSIEB generic questions 2014 (unpaginated).

180 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.58.

181 Ms Heather Tomlinson, ATSIEB, Transcript of Evidence, 03-12-14, p.58.



- 5.45 The Elected Body takes the view that in order to maximise and maintain the benefits of the Aboriginal NRM Facilitator position there must be transition to a more stable funding model—preferably from within the appropriation of the Directorate itself. The position should also be supported by other identified Aboriginal and Torres Strait Islander positions which can scaffold the Aboriginal NRM Facilitator position and provide continuity if the incumbent were to move on to other things.
- 5.46 In light of this the Elected Body makes the following recommendation.

RECOMMENDATION 10

- 5.47 **The Elected Body recommends that funding support for the position of Aboriginal Natural Resource Management (NRM) Facilitator transition from Commonwealth grant-based funding to the Environment and Planning Directorate’s budget appropriation, and that further identified positions be created to support the position.**
- 5.48 The Elected Body was pleased to hear of policies in development by the Directorate in the face of development on greenfield and brownfield sites and archaeological and Aboriginal sites.¹⁸²
- 5.49 In connection with this work, the Elected Body wishes to stress the importance of correct management heritage for the wellbeing of Aboriginal and Torres Strait Islander peoples.
- 5.50 In light of this, the Elected Body looks forward to considering the policies in its future hearings.

Second generic question

- 5.51 The Elected Body notes the Directorate’s written response to its second generic question.¹⁸³
- 5.52 As noted in relation to other Directorates, it is natural that Directorates will have different levels of response to the Elected Body’s generic questions. The nature of services delivered by the Directorate is such that it is less likely to capture significant amounts of data about Aboriginal and Torres Strait Islander clients than, for example, the Community Services or the Justice and Community Safety Directorates.
- 5.53 However the Elected Body looks forward, in future hearings processes, to hearing more about the evaluation of work done by the Aboriginal NRM Facilitator with detainees at the Alexander Maconochie Centre.
- 5.54 The Elected Body would also welcome further detail on the numbers of archaeological and Aboriginal sites coming to light for consideration under Heritage legislation as the result of new development. This is particularly topical in view of contemporary expansions of residential development—both recent and proposed—in the ACT.

Third generic question

- 5.55 The Elected Body notes the Directorate’s written response to its third generic question.¹⁸⁴
- 5.56 The Elected Body that this written evidence shows that the percentage of Aboriginal and Torres Strait Islander staff in the Directorate, at 1.34 per cent, was well short of agreed 2 per cent targets for ACT Government Directorates.¹⁸⁵

182 Ms Anna Gurnhill, ATSIEB, Transcript of Evidence, 03-12-14, p.70.

183 Environment and Planning Directorate, response to ATSIEB generic questions 2014, p.1.

184 Environment and Planning Directorate, response to ATSIEB generic questions 2014, pp.1–2.

185 Environment and Planning Directorate, response to ATSIEB generic questions 2014, pp.1–2.



- 5.57 Although the Elected Body appreciates that the Directorate is one of the smaller Directorates in the ACT Government structure, it would welcome, as noted in connection with its comments on the Aboriginal NRM Facilitator above, moves to broaden the base of the Directorate's employment of—and engagement with—Aboriginal and Torres Strait Islander people.
- 5.58 In the view of the Elected Body, this particularly applies in light of the natural—and explicit legislative—links between the responsibilities of the Directorate and the heritage and cultural of Aboriginal and Torres Strait Islander people in the ACT.

Fourth generic question

- 5.59 The Elected Body noted the Directorate's written response to its fourth generic question.¹⁸⁶
- 5.60 In the view of the Elected Body, the most important issue raised in connection with this area during the hearings process was the acknowledged 'mis-match' between the status of the United Ngunnawal Elders Council as an important representative entity for Aboriginal people in the ACT and its absence from the list of Representative Aboriginal Organisations declared by the Minister under Section 14 of the *Heritage Act 2004*.¹⁸⁷
- 5.61 In hearings, witnesses told the Elected Body that the way the Elders Council was constituted, at the time, made it ineligible to be declared a Representative Aboriginal Organisation under the Act, however if there were a new application 'it would be reconsidered'.¹⁸⁸
- 5.62 The Elected Body notes that Representative Aboriginal Organisations under the Heritage Act are set out in the *Heritage (Representative Aboriginal Organisations) Declaration 2006 (No 1)* and that, at time of writing, the United Ngunnawal Elders Council was not among the four Representative Aboriginal Organisations listed.¹⁸⁹
- 5.63 In light of this, the Elected Body makes the following recommendation.

RECOMMENDATION 11

As per the 3rd Hearings Report recommendation 17: Administrative responsibility for the operation of the United Ngunnawal Elders Council to be transferred to the Former Environment and Sustainable Development Directorate (now Environment and Planning Directorate) to more effectively engage with local Aboriginal custodians on cultural and heritage matters, including Natural Resource Management issues.

Fifth generic question

- 5.64 The Elected Body notes the Directorate's written response to its fifth generic question.¹⁹⁰
- 5.65 As noted in the body of the chapter, matters relevant to this question were considered in relation to the first generic question, above.

¹⁸⁶ Environment and Planning Directorate, response to ATSIEB generic questions 2014, p.2.

¹⁸⁷ See Section 14 (8), Heritage Act 2004 (ACT), available at: www.legislation.act.gov.au/a/2004-57/current/pdf/2004-57.pdf

¹⁸⁸ Ms Anna Gurnhill, ATSIEB, Transcript of Evidence, 03-12-14, p.65.

¹⁸⁹ See Heritage (Representative Aboriginal Organisations) Declaration 2006 (No 1), available at: www.legislation.act.gov.au/ni/2006-298/current/pdf/2006-298.pdf

¹⁹⁰ Environment and Planning Directorate, response to ATSIEB generic questions 2014, p.2.

Sixth generic question

5.66 The Elected Body notes the Directorate's written response to its sixth generic question.¹⁹¹

5.67 In the view of the Elected Body, responses by the Directorate to its sixth generic question largely relied on developing future actions to increase engagement between the Directorate and the Elected Body.¹⁹²

5.68 In view of this the Elected Body looks forward to considering its engagement with the Directorate in future hearings.

¹⁹¹ Environment and Planning Directorate, response to ATSIEB generic questions 2014, p.2.

¹⁹² Ms Dorte Ekland, ATSIEB, Transcript of Evidence, 03-12-14, p.76.

6 EDUCATION AND TRAINING DIRECTORATE



Introduction

- 6.1 The Education and Training Directorate has administrative responsibility for a number of the agencies which appeared before the Elected Body in hearings, including the Canberra Institute of Technology (CIT).
- 6.2 Witnesses from this agency, including the Directorate administration, appeared before the Elected Body in hearings of 4 December 2014.
- 6.3 As for previous chapters, these are considered below in sections which correspond to generic questions provided by the Elected Body to ACT Government Directorates.

Improve the lives of Aboriginal and Torres Strait Islander people

Written responses

- 6.4 The Directorate's written response to the Elected Body's first generic question was as follows.
 - the Directorate improves economic benefit through pathways into employment, including Aboriginal and Torres Strait Islander identified positions and career progression opportunities
 - the Directorate has an ongoing commitment to:
 - increasing the cultural integrity of schools and all Education and Training Directorate workplaces
 - the Education and Training Directorate Aboriginal and Torres Strait Islander Staff Network; including the mentoring and cultural support roles that network members establish with beginning staff
 - the Directorate has a number of programs to improve the educational opportunities for Aboriginal and Torres Strait Islander school children.¹⁹³
- 6.5 The Directorate's response to Question 1 (a) was: 'ETD provides education services to Jervis Bay School under funding arrangements with the Commonwealth Government'.¹⁹⁴
- 6.6 The Directorate's response to Question 1 (b) was:

The Commonwealth Department of Infrastructure announced plans to Territory officials to reduce funding for the education service delivery in Jervis Bay some months ago. Since this time the Directorate has been working with the Chief Minister, Treasury and Economic Development Directorate and the Commonwealth Department of Infrastructure to resolve the funding concerns. The Commonwealth has advised the Directorate they have reversed their decision to reduce funding for education service delivery. The School Principal has been informed.¹⁹⁵

Hearings

- 6.7 The Education and Training Directorate appeared before the Elected Body in hearings of 4 December 2014.

¹⁹³ Education and Training Directorate, Response to ATSIEB generic questions 2014, p.1.

¹⁹⁴ Education and Training Directorate, Response to ATSIEB generic questions 2014, p.1.

¹⁹⁵ Education and Training Directorate, Response to ATSIEB generic questions 2014, p.1.



Role in whole-of-government agreement

6.8 In the hearings, the Elected Body asked questions about the Directorate's role in the implementation of the *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018*.¹⁹⁶

6.9 In responding, the Director-General told the Elected Body that:

Each year our Directorate produces an action plan. This will be out of date by next week, but it is really to say to our stakeholders and our schools what is important. When we flip over, we have our indicators and targets, what are our key things. And then, within the back here, we say to our schools, in particular: what are we going to focus on? What are the things that I am going to hold you accountable to? What are the things we need to talk about?¹⁹⁷

6.10 She went on to say:

I am really pleased to be able to say that for 2015—which will be released next week—we have the commitment to the whole-of-government agreement. I do not think we have got the wording quite right, but I have still put it in here as well. There is a clear indication, a clear leadership role for me, to say that it is not just around what we do in our education plan, which our schools are engaged in; it is what is the next level of that and how do we contribute to whole-of-government achievement and closing the gap not just in education but more broadly.¹⁹⁸

6.11 With regard to her own role in this process, the Director-General told the Elected Body:

I see my role as a leadership role. I see there is a role not just in supporting the education direction in telling our principals, 'There is not just this plan, there is a whole-of-government agreement, so we have to be aligned in our efforts'. But it is also in how we work with our workforce and how we promote and encourage our workforce. The leadership role I particularly will be playing there is, as you know, through championing the ACT public service Aboriginal and Torres Strait Islander network.¹⁹⁹

6.12 In addition, she told the Elected Body, there was her role in 'acknowledging cultural competency':

Through the strategic board there is a commitment to making sure we are reviewing, updating, continuing learning and improving our own cultural understanding so that we can lead the ACT community and strategic board directions in support of the agreement. In addition to that, we have a commitment at the Education and Training Directorate through cultural competency of our staff and we have programs at different levels for all of that. We have a commitment for a whole day for our full corporate executive plus leading managers early next year. We will be doing a full day with Grant Sara—a really intensive cultural competency.²⁰⁰

6.13 She went on to say that:

If I look at what is my role, it is the individual things that are in the agreement, obviously, but it is that leadership role: I have to be able to walk it, talk it, believe it, show it and lead my 5,000 workforce so that it impacts on our 40,000 students, not just our 1,500 or so Aboriginal and Torres Strait Islander students and their families.²⁰¹

196 *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), available at: www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf

197 Ms Diane Joseph, ATSIIEB, Transcript of Evidence, 04-12-14, p.78.

198 Ms Diane Joseph, ATSIIEB, Transcript of Evidence, 04-12-14, p.78.

199 Ms Diane Joseph, ATSIIEB, Transcript of Evidence, 04-12-14, p.78.

200 Ms Diane Joseph, ATSIIEB, Transcript of Evidence, 04-12-14, pp.78–79.

201 Ms Diane Joseph, ATSIIEB, Transcript of Evidence, 04-12-14, p.79.



National Disability Insurance Scheme

6.14 In hearings, the Elected Body asked questions of the Directorate regarding the National Disability Insurance Scheme (NDIS). In particular it asked about the NDIS from an education and training perspective, and how this would affect Aboriginal and Torres Strait Islander students and their families.²⁰²

6.15 In responding, the Director-General told the Elected Body that:

The National Disability Insurance Scheme, as you know, is a Commonwealth scheme that the ACT Government is supporting and is contributing to. Very generally, ACT Government resources have been combined with Commonwealth resources so that the offer to people with disabilities is under their choice and control. The scheme itself is run by the National Disability Insurance Agency, a Commonwealth agency, and the ACT Government has contributed funds. The ACT Government had to look at what services the government should continue providing and what services come under the National Disability Insurance Scheme through the National Disability Insurance Agency.²⁰³

6.16 She went on to say that:

The specifics for the ACT Education and Training Directorate have been, at this stage, around early intervention services. I will be able to pass over to Beth, who can talk a bit more about that. Primarily, each year the ACT Education and Training Directorate has delivered services to about 300 students in the years before school. They are early intervention services — not education services per se, but actually assisting students and their families to be ready for school. Traditionally, of those 300 students in those early interventions, at least half would transition into mainstream schooling and then use the mainstream education disability services — our learning support assistance, our transport system, our other supports that are provided in schools, our specialist schools for therapy assistance and so forth. We say they are mainstream services and they are education services.²⁰⁴

6.17 She told the Elected Body that:

At this point in time, the services that are currently delivered to students with disabilities in our schools from kinder to year 12 are still education; that is not part of the scheme. What will be part of the scheme will be in these early years and the students with disabilities who qualify for the disability insurance scheme transitioning out of schools. At the moment, we are looking at the 300 students who would have been in our services next year; we are dealing with those families on an individual basis.²⁰⁵

6.18 The Director-General told the Elected Body in further detail in connection with Aboriginal and Torres Strait Islander students:

Our Aboriginal and Torres Strait Islander families who might be in that category would be working directly with a support officer through the Education and Training Directorate. Where that family identifies as Aboriginal or Torres Strait Islander and would like that extra support, we make sure that support is around so that whatever arrangements are put in place by the NDIA support what they would like — choice and control. And for those students transitioning from this year into our mainstream services, again it is that case management approach around those families transitioning in. For Aboriginal and Torres Strait Islander students, as for other students, we would put the case management around those students.

202 ATSIIEB, Transcript of Evidence, 04-12-14, p.79 ff.

203 Ms Diane Joseph, ATSIIEB, Transcript of Evidence, 04-12-14, p.79.

204 Ms Diane Joseph, ATSIIEB, Transcript of Evidence, 04-12-14, p.80.

205 Ms Diane Joseph, ATSIIEB, Transcript of Evidence, 04-12-14, p.80.



For the students exiting our schools with disability who then are getting a package from the National Disability Insurance Agency, similarly we are supporting them. We make sure that we are supporting them, getting their plan, making their decisions around what services they want to get from the National Disability Insurance Agency. Again, where those students and families need support in negotiating how they are going to that scheme, that is what we have been able to provide.²⁰⁶

6.19 At this point the Elected Body asked for further information on the term 'package' in this context.²⁰⁷

6.20 In responding, the Director-General told the Elected Body that:

First of all, people contact the agency and say, "I have got a disability; I believe I should be in the scheme." Then I think the agency assigns a caseworker or a planner. Then they go through the criteria, which are national criteria, and decide whether they are in the scheme or not in the scheme. Then, dependent on the adjustments they would need to participate in life and community, they are assessed and given a package.

I think that at the moment the average package across Australia stands at around \$35,000, but obviously that would be an average; there would be from a few dollars to more dollars. The emphasis on early intervention, which is our real interest, is that we think it is in everybody's interests, particularly the National Disability Insurance Agency, to make sure you invest in the early years. You are better off over diagnosing and including people than excluding people. Our experience so far with the National Disability Insurance Agency is that we believe that is what they are doing.²⁰⁸

6.21 At this point, the Director, Student Engagement, Education Strategy, described the practical experience in schools of working with the NDIS. She told the Elected Body that:

It is a new scheme — it is a really complicated scheme — and we are all trying to get our heads around it. I will be really honest with you: families are really trying to get their heads around it; it has just hit them. What they need to do is talk to as many people as possible, and that is what we are making happen. With our teachers, we are training our teachers, our teacher assistants, our principals and our school leaders and raising their awareness and understanding of the scheme. Every day we are all learning more. We are working with the task force out of CSD; they are also doing training across community.²⁰⁹

6.22 She went on to tell the Elected Body that:

Our teachers often are the point of contact for families. If there is a child at school with a disability, they say, 'We don't understand. What's this key worker thing? What do I have to do now? What paperwork do I have to do?' We have had people from the agencies sitting in at the school with the family, and they are all doing the paperwork together. You get this big wad of paperwork. They go, 'What do I do here? A community paediatrician? I can't get an appointment for six months and I've got to get this form in next week'. The agency people will say, 'You know what? You don't need that because a school psychologist has already assessed the child and we can just put that form in'. Then we get the psychologist form and put it in the paperwork for them. We are all working like that so that it is smooth. It is not an easy thing to understand. It is fantastic, but it is new, and we are all on a learning journey together.²¹⁰

206 Ms Diane Joseph, ATSIEB, Transcript of Evidence, 04-12-14, p.80.

207 ATSIEB, Transcript of Evidence, 04-12-14, p.80.

208 Ms Diane Joseph, ATSIEB, Transcript of Evidence, 04-12-14, pp.80–81.

209 Ms Beth Mitchell, ATSIEB, Transcript of Evidence, 04-12-14, p.82.

210 Ms Beth Mitchell, ATSIEB, Transcript of Evidence, 04-12-14, p.82.



Incorporation of Indigenous languages into curriculum

6.23 In hearings of 4 December the Elected Body asked questions about the incorporation of Indigenous languages into the ACT public school curriculum.²¹¹

6.24 In responding, the Director, Learning and Teaching, Education Strategy, told the Elected Body that:

In the ACT, both through the introduction of the Australian curriculum, which is happening in all of our schools, and the cross-curriculum priority related to Aboriginal and Torres Strait Islander learnings and cultures that has been a focus since the introduction of the Australian curriculum, which we commenced in 2011–12.²¹²

6.25 Speaking specifically about Indigenous languages, the Director told the Elected Body that:

In terms of the language components, there has been a lot of work, through ACARA [the Australian Curriculum, Assessment and Reporting Authority] the national body coordinating the Australian curriculum, around ensuring that the framework that supports the introduction of Indigenous languages into not just ACT schools but Australian schools has commenced. And a lot of work has been going on nationally, going around the country, holding focus groups directly with ACARA and engaging with communities. I know that in the ACT last year there was a focus group both down at Wreck Bay, with the Wreck Bay community around Jervis Bay, with their language program down there, which I think is Dhurga, and also a focus group that was held here in the ACT.

So there is strong commitment for the ACT to engage with ACARA, and with other jurisdictions nationally, to inform a national approach to languages. The ACT has always been strongly committed to implementation of the Australian curriculum and continues to have that position. We will keep working in that area.²¹³

6.26 She went on to speak about implementation:

[the] framework that has been developed nationally will be an important basis upon which we can guide our communities. That does not mean that, as you have pointed out, we are not doing some trials in schools and having some really fantastic engagement locally with community members and school community members around introducing opportunities for language and language resources. There are a number of partnerships establishing both at the school level and through the Directorate, through the curriculum section, with Tyronne Bell in particular. Some of those publications and a resource pack that were provided into all of our preschools this year incorporated that suite of story books in Ngunnawal language as well. They are in all of our preschools now, all 79 locations. The Directorate purchased those in a bulk purchase. There have also been some professional learning sessions for teachers on the use of those resources; we have had a strong focus and strong attendance with those.²¹⁴

211 ATSIIEB, Transcript of Evidence, 04-12-14, p.83.

212 Ms Leanne Wright, ATSIIEB, Transcript of Evidence, 04-12-14, p.83.

213 Ms Leanne Wright, ATSIIEB, Transcript of Evidence, 04-12-14, p.83.

214 Ms Leanne Wright, ATSIIEB, Transcript of Evidence, 04-12-14, pp.83–84.



Capture data on interactions with Aboriginal and Torres Strait Islander people

Written responses

6.27 The Directorate's written response to the Elected Body's second generic question was as follows.

Education and Training Directorate staff diversity data is provided through Shared Services (see attached quarterly report for the period ending September 2014).

Staff are annually asked to update their diversity status on HR21 and an annual all staff alert is prepared to provide Aboriginal and Torres Strait Islander staff with information regarding the Education and Training Directorate Aboriginal and Torres Strait Islander Staff Network.

Data regarding interactions at community events, employment expos and Community Yarns are kept. At the NAIDOC on the Peninsula 2014 event the Education and Training Directorate held a stall for the first time. There were 97 interactions with community members, two questions that required follow up responses and 11 expressions of interest in working in education through the casual employment registration process.²¹⁵

Hearings

6.28 In hearings of 4 December 2014 the Elected Body asked questions about the NDIS and statistics were provided on Aboriginal and Torres Strait Islander students in public education in the ACT and those who would be affected by the NDIS:

We have 1,564 Aboriginal and Torres Strait Islander students. Of the 1,564, 165 Aboriginal and Torres Strait Islander students are qualified for disability funding with us; they come under disability criteria. Of these 165, there are 24 with developmental delay—they are the really young kids—and eligibility for early intervention. All of those will be eligible for transition to the NDIS. Thirty-three have a learning difficulty. The remaining 108 students meet our disability criteria in different categories. We have disability criteria of autism, chronic medical condition, hearing, intellectual language, mental health, physical, vision. . . . With that list, the Education and Training Directorate will continue to provide the services within our schools irrespective of what the National Disability Insurance Agency has.²¹⁶

Promote Aboriginal and Torres Strait Islander employment

Written responses

6.29 The Directorate's written response to the Elected Body's third generic question was as follows.

Aboriginal and Torres Strait Islander employment in the Directorate is promoted through:

- *Connection Collaboration Careers Leadership: Aboriginal and Torres Strait Islander Employment Action Plan 2014–2017*
- *Our Mob Our Stories* promotional materials being used in schools, as a means of promoting pathways into education and role models for young people
- meetings with individual and cluster groups of principals to promote pathways into employment for Aboriginal and Torres Strait Islander peoples connected to their school or region

²¹⁵ Education and Training Directorate, Response to ATSIEB generic questions 2014, p. 1.

²¹⁶ Ms Beth Mitchell, ATSIEB, Transcript of Evidence, 04-12-14, p.82.



- interactions with the three Canberra Universities to promote the three annual Education and Training Directorate Aboriginal and Torres Strait Islander University Education Scholarships and information for final year teachers regarding employment opportunities through interactions with the universities is provided
- the Education and Training Directorate held an employment stall as part of NAIDOC on the Peninsula celebrations for the first time in 2014.

In 2015 the Directorate will hold at least four Community Yarns. Community Yarns are an opportunity for Directorate staff to engage with Aboriginal and Torres Strait Islander community members interested in or wanting to hear more about employment opportunities, including casual employment in the Directorate. The ETD Aboriginal and Torres Strait Islander Staff Network, Principals and the School Network Leaders will be invited to attend and connect with community members interested in education as a career. The sessions will include a brief overview of employment opportunities, how to access job vacancies, casual employment and career opportunities as well as opportunities to network. HR Branch staff will be available to assist community members fill out the casual employment registration documentation.²¹⁷

6.30 The Directorate's response to Question 3 (a) was:

In September 2014 there were 65 Aboriginal and Torres Strait Islander employees in the Directorate, an increase of nine staff from the same time period in 2013.

In September 2014 there were:

- 25 administrative officers
- one general services officer
- seven school leaders
- four senior officers
- 28 teachers.²¹⁸

6.31 The Directorate's response to Question 3 (b) was:

In September 2014 there were a total of 11 senior positions held by Aboriginal and Torres Strait Islander staff — seven School Leaders and four Senior Officers.²¹⁹

6.32 The Directorate's response to Question 3 (c) was:

Aboriginal and Torres Strait Islander staff are supported through annual professional discussions (teachers and school leaders) or professional development plans (administrative and senior officers).

Professional development opportunities, including leadership development, training and mentoring are distributed through the ETD Aboriginal and Torres Strait Islander Staff Network. In 2014 Aboriginal and Torres Strait Islander staff participated in training including; Stronger Smarter Leadership training, the More Aboriginal and Torres Strait Islander Teachers Initiative (MATSISTI) Leadership forum; Diversity Mentoring Training; Conflict Management Coach training and teacher training programs through universities.

Community development opportunities, such as the Djjah Whyman Memorial Cup. The Directorate has a key role to play in helping current employees design, deliver and participate in community-based initiatives.²²⁰

217 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.2.

218 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.1.

219 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.1.

220 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.3.



Hearings

6.33 The Elected Body asked questions regarding employment of Aboriginal and Torres Strait Islander people by the Directorate in hearings of 4 December 2014. In particular the Elected Body asked questions regarding work done to develop Aboriginal and Torres Strait Islander education workers into qualified teacher and other roles.²²¹

6.34 In responding, the Director-General told the Elected Body that 'in 2013 we had 57 employees who identified as Aboriginal and Torres Strait Islander heritage' and that this 'increased to 64 in 2014', amounting to a '12 per cent increase'.²²²

6.35 The Director, People and Performance, Organisational Integrity also responded to the question. She told the Elected Body that at the most recent reporting point, there were 61 Aboriginal and Torres Strait Islander employees in the Directorate, of whom 'six . . . were school leavers' and in the category of 'school leaders' there was 'one principal, one deputy and four what we call "school leader Cs"'.²²³ In addition, at that point, '[we] had 25 teachers; we have 16 school assistants; 13 administration officers; and one building services officer, a janitor in a school'.²²⁴

6.36 She told the Elected Body about the Directorate's Employee Action Plan:

. . . we launched our plan just 12 months ago. Our implementation focus for this year has been threefold. It is about increasing the number of casual staff we have. It is about developing our culturally aware and respectful workplace and it is about increasing the number of targeted positions that we have.

Of course, we have got a three-phase implementation plan which I will not go into in detail. But it is a big body of work which we have chunked down quite systematically and we are really seeing traction. It is about raising our presence. We were at the NAIDOC on the peninsula event. We had 90 inquiries and we have had 11 casual registrations connected to that event, which has been fantastic.

We have also for the first time had an identified position through our annual transfer round. As our teachers transfer, our principals put up their positions. We have had our first identified position, which is again raising the awareness.²²⁵

6.37 In addition, the Director told the Elected Body about an Aboriginal and Torres Strait Islander staff network operating in the Directorate:

This week we have also had two teachers contact us wanting to come to our staff network. So in our Directorate we have a very active staff network. Diane mentioned 64 employees. We have a staff network which is now at 49.²²⁶

221 ATSIEB, Transcript of Evidence, 04-12-14, p.91.

222 Ms Diane Joseph, ATSIEB, Transcript of Evidence, 04-12-14, p.92.

223 Ms Coralie McAlister, ATSIEB, Transcript of Evidence, 04-12-14, p.92.

224 Ms Coralie McAlister, ATSIEB, Transcript of Evidence, 04-12-14, p.92.

225 Ms Coralie McAlister, ATSIEB, Transcript of Evidence, 04-12-14, p.92.

226 Ms Coralie McAlister, ATSIEB, Transcript of Evidence, 04-12-14, p.92.



Consult when developing programs and services

Written responses

6.38 The Directorate's written response to the Elected Body's fourth generic question was as follows.

The Directorate consults with the ETD Aboriginal and Torres Strait Islander Staff Network, the ACT Aboriginal and Torres Strait Islander Education Consultative Group and the ACT Aboriginal and Torres Strait Islander Elected Body.

The Directorate has also consulted with the United Ngunnawal Elders Council regarding the use of Ngunnawal language in schools and Central Office and in the development of Welcome to Country and Acknowledgement of Country protocols.²²⁷

6.39 The Directorate's response to Question 4 (a) was:

The Directorate regularly consults with the ETD Aboriginal and Torres Strait Islander Staff Network—particularly on the implementation of Connection Collaboration Careers Leadership: Aboriginal and Torres Strait Islander Employment Action Plan 2014–2017 and key employment and retention initiatives.

The Aboriginal and Torres Strait Islander Education Consultative Group consults with ACT Aboriginal and Torres Strait Islander communities, groups, organisations and provides advice to the ACT and Australian governments on education and training programs and initiatives under the national Aboriginal and Torres Strait Islander Education Action Plan.²²⁸

6.40 The Directorate's response to Question 4 (b) was:

The Aboriginal and Torres Strait Islander Staff Network is open to all Aboriginal and Torres Strait Islander employees, including permanent, part-time, temporary, casual employees and trainees. The Chair of the Staff network is elected annually by the members and Secretariat support is provided through HR Strategy Section, People and Performance Branch.

The Aboriginal and Torres Strait Islander Education Consultative Group is made up of Aboriginal and Torres Strait Islander parents and community members appointed by the Minister for Education and Training.²²⁹

Hearings

6.41 Discussion in hearings touched upon the Directorate's Aboriginal and Torres Strait Islander Staff Network, and this is discussed briefly above, in connection with the Elected Body's third generic question.²³⁰

6.42 The Elected Body also considered the operation of the Indigenous Education Consultative Body, in particular in light of a cessation of Commonwealth funding.²³¹

6.43 In responding, the Deputy Director-General, Education Strategy, told the Elected Body that:

As I said before, we have only just received that advice. But the ACT Government does provide support to that group already, as in-kind support to particular secretariat responsibilities and management of

227 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.3.

228 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.3.

229 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.3.

230 Ms Coralie McAlister, ATSIEB, Transcript of Evidence, 04-12-14, p.92.

231 ATSIEB, Transcript of Evidence, 04-12-14, pp.89–90, and see also p.87.



finances and different elements. So the ACT Government already provide that support. The funding from the Commonwealth, though, obviously tops that up, I would say.

... the commitment to the group is still there from the ACT Government. What happens with the funding is something we have only just been told, so the chair has been told that. I guess it is a case of watch this space. We have only just heard that that is occurring.²³²

- 6.44 The Director-General also responded to questions regarding the Consultative Body. She told the Elected Body that the Directorate's 'in-kind support' to the Consultative Body amounted to approximately \$30,000, which represented 'a half-time staff member' for secretarial support, and agreed that the balance of funding to the Consultative Body came in the form of a \$100,000 grant from the Commonwealth.²³³
- 6.45 At this point the Elected Body noted the effects of a withdrawal of funding from similar consultative bodies in other Australian jurisdictions, and a forthcoming national conference at which these organisations would discuss developments in what amounted to 'an emergency meeting'.²³⁴

Increase Aboriginal and Torres Strait Islander economic participation

Written responses

- 6.46 The Directorate's written response to the Elected Body's fifth generic question was as follows.

The Directorate is committed to increasing the number of Aboriginal and Torres Strait Islander employees across the education system, including the number of teachers, administrative staff and leadership positions; this also includes the identification of key positions as being specifically for Aboriginal and Torres Strait Islander peoples.

The implementation of the Community Yarns project should increase the level of Aboriginal and Torres Strait Islander participation in the Directorate through employment pathways and a community feedback loop, increasing the level of Aboriginal and Torres Strait Islander economic participation in the ACT.

In the 2009–2010 ACT Government Budget, a commitment was made to increase the number of Aboriginal and Torres Strait Islander teachers and teaching assistants in ACT public schools.

Year 10 students interested in teaching are able to apply for a two year scholarship for years 11 and 12, worth \$10,000. Year 11 students are able to apply for year 12 scholarships worth \$5,000. At any given time the number of scholarships may go up to, but not exceed, ten active scholarships.

Three tertiary scholarships valued at \$20,000 each are available each year for students undertaking a university degree in teaching.

In 2015 an additional \$20,000 tertiary scholarship will be on offer for those wanting to pursue a career in health.

The Directorate maintains an ongoing commitment to increasing the cultural integrity and cultural safety of all Directorate workplaces and schools will impact on Aboriginal and Torres Strait Islander participation in the Directorate.

Currently there are 268 indigenous apprentices in training in the ACT (with 265 commencements in 2013), of this, 20 are in training as Australian School Based Apprentices (48 commencements in 2013).

232 Mr Stephen Gniel, ATSIEB, Transcript of Evidence, 04-12-14, p.90.

233 Ms Diane Joseph, ATSIEB, Transcript of Evidence, 04-12-14, pp.90–91.

234 ATSIEB, Transcript of Evidence, 04-12-14, p.91.



The ACT Government, through the Education and Training Directorate, recognises the importance of increasing Aboriginal and Torres Strait Islander economic participation in the ACT and supports the inclusion of Indigenous students in funded vocational education and training initiatives. Support services and initiatives to strengthen student engagement and qualification completion include wrap around services, fee concessions and foundation skills training.

The importance of increased access to vocational education and training for Indigenous students was also recognised through specific Indigenous training targets in the National Partnership Agreement on Skills Reform (2012–17). The ACT is on track to exceed the agreed Indigenous student commencement targets under the agreement.

The ACT has also provided grants for a range of culturally-appropriate adult and community education programs including in Indigenous leadership and governance, Indigenous diversity mentoring, and pre-vocational and vocational training.

The Field Officer function was established to increase engagement with employers, industry, community organisations, employment service providers, schools and other vocational education and training (VET) stakeholders to support understanding of the ACT VET sector. Future Field Officer functions will allow the ACT to effectively manage and influence the provision of quality support services to Australian Apprentices and employers, including Indigenous employment and training opportunities.²³⁵

Hearings

- 6.47 Matters relevant to the Elected Body's fifth generic question were discussed in connection with the employment of Aboriginal and Torres Strait Islanders in the Directorate, considered above in this chapter's section on the Elected Body's third generic question.

Elected Body engage with Directorate

Written responses

- 6.48 The Directorate's written response to the Elected Body's sixth generic question was as follows.

The Aboriginal and Torres Strait Islander Elected Body will be invited to attend the Community Yarns to be held in 2015.

The Elected Body education representative will be invited to at least one ETD Aboriginal and Torres Strait Islander Staff Network meeting per year to engage with Aboriginal and Torres Strait Islander staff across the Directorate.

The Elected Body could extend the invitation to community forums facilitated by the Elected Body to Directorate Executive as a forum for Senior Directorate staff to listen to and engage with the views of the Aboriginal and Torres Strait Islander community.

Schooling and early childhood is one of six priorities identified in the Elected Body's Community Priorities 2014–2017. A key action under this priority is to formalise engagement with the ACT Aboriginal and Torres Strait Islander Education Consultative Group (ATSIECG).

The Directorate welcomes more formal engagement between the two groups as it will enhance community consultation and strengthen links between local and national action plans and strategies. Greater

²³⁵ Education and Training Directorate, Response to ATSIEB generic questions 2014, pp.4–5.



engagement between the two groups will increase the knowledge and understanding of Elected Body members around national policy directions and strategies implemented at the jurisdiction level.

More formal engagement will enable the Elected Body to participate in consultation processes relating to the development of the next national Aboriginal and Torres Strait Islander Education Action plan which will be released mid-2015.²³⁶

Hearings

6.49 In hearings of 4 December 2014 the Deputy Director-General, Education Strategy, acknowledged—in connection with the Indigenous Education Consultative Body considered above—that the Elected Body's plan included a proposal to formalise 'engagement between the elected body and the consultative group'. He told the Elected Body that the Directorate wished to be part of that discussion, which would seek to articulate the roles and relationships of the Elected Body, the Consultative Body and the Directorate in order to furnish a continuing consultative mechanism on Aboriginal and Torres Strait Islander students in the public education system in the ACT.²³⁷

Questions on Notice

6.50 In addition to the written responses and witness testimony considered above, two Questions on Notice was asked and answered regarding:

- Whether there were many young Aboriginal and Torres Strait Islander students that are around the age of 13–14 enrolled in programs at the CIT
- What is the age demographic of Aboriginal and Torres Strait Islander students enrolled at CIT?²³⁸

Elected Body comment

First generic question

6.51 The Elected Body notes the Directorate's written response to its first generic question.²³⁹

6.52 The Elected Body notes that three substantive matters were discussed in hearings, that is: the Directorate's role in light of the *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018*,²⁴⁰ the National Disability Insurance Scheme (NDIS), and the incorporation of Indigenous languages into the ACT public school curriculum.²⁴¹

6.53 The Elected Body considers that the Directorate's involvement in these matters at time of hearings was in-development and transition, and looks forward to considering progress in each of these areas in future hearings .

236 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.5.

237 Mr Stephen Gniel, ATSIEB, Transcript of Evidence, 04-12-14, p.90.

238 See Appendix C, *Summary of responses to Questions Taken on Notice and Questions on Notice*, Nos.12–13 inclusive.

239 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.1.

240 *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), available at: www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf

241 See ATSIEB, Transcript of Evidence, 04-12-14, p.78 ff, p.79 ff, and p.82 ff.



Second generic question

- 6.54 The Elected Body notes the Directorate's written response to its second generic question.²⁴²
- 6.55 In hearings, the Elected Body was pleased to receive information from the Directorate about Aboriginal and Torres Strait Islander students and the NDIS.²⁴³
- 6.56 Given that the Directorate has a considerable interface with Aboriginal and Torres Strait Islander clients for its services (that is, students in the ACT public education system), the Elected Body would be pleased to be provided with greater detail on this cohort in future hearings.

Third generic question

- 6.57 The Elected Body notes the Directorate's written response to its third generic question.²⁴⁴
- 6.58 In connection with the written response and hearings, the Elected Body was pleased to receive evidence of structural mechanisms to support Aboriginal and Torres Strait Islander staff in the Directorate, including avenues for professional development.²⁴⁵ Elsewhere in this report it has been noted that it takes more than a focus on recruitment, alone, to achieve good outcomes for Aboriginal and Torres Strait Islander employment: staff development and retention must also be attended to.
- 6.59 On the other hand it is difficult for the Elected Body to perceive the effectiveness of these measures without further information, in greater depth. In future the Elected Body would be pleased to be advised of the percentage of staff in the Directorate who identify as Aboriginal and Torres Strait Islander so that the Directorate's progress can be measured against agreed targets for the ACT public sector. The head-count figures provided by the Directorate may, if put into context of the full establishment of the Directorate, appear less encouraging if expressed as a percentage, and this is important for all parties to be aware of: the Directorate and the Elected Body.

Fourth generic question

- 6.60 The Elected Body notes the Directorate's written response to its fourth generic question.²⁴⁶
- 6.61 In the view of the Elected Body, the matter was raised in hearings regarding the cessation of Commonwealth funding for the Education Consultative Body, in the ACT and in other jurisdictions in Australia, was an important one.²⁴⁷
- 6.62 In this case, it was particularly important because the Consultative Body was, in terms of the evidence presented to the Elected Body, the main avenue for direct consultation with the Aboriginal and Torres Strait Islander community rather than Aboriginal and Torres Strait Islander staff.
- 6.63 In the view of the Elected Body, both are important, but nothing can replace direct consultation, particularly in an area of such key importance and involving both significant numbers and high complexity: the advent of the NDIS being among these last.

242 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.1.

243 Ms Beth Mitchell, ATSIEB, Transcript of Evidence, 04-12-14, p.82.

244 Education and Training Directorate, Response to ATSIEB generic questions 2014, pp.1-2.

245 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.3.

246 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.3.

247 ATSIEB, Transcript of Evidence, 04-12-14, pp.89-90, and see also p.87.

- 6.64 As noted elsewhere in this report, reliance on the Commonwealth for funding for specific programs brings with it the risk that Commonwealth policy will change and programs will be orphaned. As the Elected Body has stated in connection with other instances where this risk has emerged, the logical way to protect against such risk is to draw such initiatives back under the umbrella of budgetary appropriations for ACT Government Directorates.
- 6.65 In light of this, the Elected Body makes the following recommendation.

RECOMMENDATION 12

- 6.66 **The Elected Body recommends that the ACT Government, in response to the cessation of Commonwealth funding for the Indigenous Education Consultative Body, fund the Consultative Body by way of the Education and Training Directorate's annual budgetary appropriation.**

Fifth generic question

- 6.67 The Elected Body notes the Directorate's written response to its fifth generic question.²⁴⁸
- 6.68 The Elected Body was pleased to receive evidence, in the written response, of a number of measures to support Aboriginal and Torres Strait Islander economic participation.
- 6.69 Although, as noted above, it was difficult for the Elected Body to assess efforts by the Directorate to increase employment of Aboriginal and Torres Strait Islander people in the absence of quoted percentages on this dimension, the Elected Body was pleased to see a number of different approaches, including scholarship support for Aboriginal and Torres Strait Islander secondary and tertiary education students, and actions which focus on support for Aboriginal and Torres Strait Islander students in vocational training.²⁴⁹
- 6.70 In light of this, the Elected Body looks forward to considering these matters further in future hearings.

Sixth generic question

- 6.71 The Elected Body notes the Directorate's written response to its sixth generic question.²⁵⁰
- 6.72 In hearings, the Elected Body was pleased to hear that the Directorate wished to participate both in work to formalise the relationship between the Elected Body and the ACT Aboriginal and Torres Strait Islander Education Consultative Group, and to work toward providing a continuing consultative mechanism regarding Aboriginal and Torres Strait Islander students in the public education system in the ACT.²⁵¹
- 6.73 In light of this, the Elected Body looks forward to considering these matters in future hearings.

248 Education and Training Directorate, Response to ATSIEB generic questions 2014, pp.4–5.

249 Education and Training Directorate, Response to ATSIEB generic questions 2014, pp.4–5.

250 Education and Training Directorate, Response to ATSIEB generic questions 2014, p.5.

251 Mr Stephen Gniel, ATSIEB, Transcript of Evidence, 04-12-14, p.90.

7 JUSTICE AND COMMUNITY SAFETY DIRECTORATE



Introduction

- 7.1 The Justice and Community Safety Directorate has administrative responsibility for a number of the agencies which appeared before the Elected Body in hearings, including:
- ACT Corrective Services
 - ACT Emergency Services
 - ACT Policing
 - the ACT Human Rights Commission.
- 7.2 In addition, the Directorate is responsible for legislation, policy and programs, many of which are relevant to Aboriginal and Torres Strait Islander people.
- 7.3 Witnesses from all of these agencies, including the Directorate administration, appeared before the Elected Body in hearings of 4 December 2014.
- 7.4 As for previous chapters, these are considered below in sections which correspond to generic questions provided by the Elected Body to ACT Government Directorates.

Improve the lives of Aboriginal and Torres Strait Islander people

Written responses

- 7.5 The Directorate's written response to the Elected Body's first generic question was 22 pages in length.
- 7.6 The response referred to the following:
- services provided by: the Aboriginal Legal Service (NSW/ACT); Office of Regulatory Services; and the ACT Children and Young People Commissioner (CYPC)²⁵²
 - JACS Strategic Plan 2012–2017²⁵³
 - JACS Reconciliation Action Plan²⁵⁴
 - National Indigenous Law and Justice Framework 2009–2015²⁵⁵
 - Royal Commission into Aboriginal and Torres Strait Islander Deaths in Custody²⁵⁶
 - Closing the Gap Safe Communities Building Block²⁵⁷
 - 'National Forums' (that is, changes to Council of Australian Governments (COAG) council system)²⁵⁸

252 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.1.

253 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.2.

254 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.2–3.

255 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.3–4.

256 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.4.

257 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.4–5.

258 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.5.



- ACT Aboriginal and Torres Strait Islander Justice Agreement²⁵⁹
- Service Funding Agreements, including:
 - Women's Legal Centre²⁶⁰
 - Aboriginal Justice Centre²⁶¹
 - Aboriginal Legal Service²⁶²
 - Legal Aid ACT²⁶³
- Property Crime Reduction Strategy²⁶⁴
- Justice Reinvestment²⁶⁵
- Victims Advisory Board²⁶⁶
- Victims of Crime Financial Assistance Scheme²⁶⁷
- High Density Housing Safety and Security Project²⁶⁸
- ACT Policing Purchase Agreement and Ministerial Direction²⁶⁹
- Justice Reform Strategy²⁷⁰
- Recognition of Indigenous Cultural Rights in the Human Rights Act²⁷¹
- Restorative Justice Unit²⁷² including:
 - access to Services Plan²⁷³
 - referrals, participation and compliance rates²⁷⁴
 - raising Aboriginal and Torres Strait Islander Referrals for young people²⁷⁵
 - survey responses²⁷⁶
 - staff training²⁷⁷
 - Indigenous Guidance Partner²⁷⁸
 - Galambany Court Sentencing.²⁷⁹

7.7 In relation to ACT Corrective Services, the Directorate indicated the following Aboriginal and Torres Strait Islander specific programs at the AMC:

259 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.6.

260 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.6–7.

261 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.7.

262 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.8.

263 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.9.

264 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.9–10.

265 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.10–11.

266 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.11.

267 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.11–12.

268 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.12.

269 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.12–13.

270 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.13.

271 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.13.

272 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.14–17.

273 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.14.

274 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.14–15.

275 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.15–16.

276 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.16.

277 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.16.

278 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.16–17.

279 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.17.



- Relationships Australia counselling services²⁸⁰
- Winnunga Social Wellbeing Program²⁸¹
- Relationships Australia—Aboriginal and Torres Strait Islander Counselling ‘Yarning’ Program²⁸²
- Certificate II—Conservation and Land Management²⁸³
- Elders and Community Leaders Visitation Program²⁸⁴
- Community Partnership—Indigenous Art Exhibition²⁸⁵
- Employment Support—Habitat Personnel²⁸⁶
- ‘access [to] the full range of programs provided to all detainees’.²⁸⁷

7.8 In relation to ACT Policing, the Directorate indicated the following:

- Front-Up Program²⁸⁸
- Chances Program²⁸⁹
- Dream, Believe, Achieve Program.²⁹⁰

Hearings

7.9 The Elected Body asked questions relevant to its first generic question in hearings of 4 December 2016.

7.10 In hearings, the Elected Body asked the Directorate about the operation and effectiveness of the Throughcare program and whether there were other programs, in addition, designed to reduce the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system.²⁹¹

7.11 In responding, the Senior Manager, Policy and Government, ACT Corrective Services, told the Elected Body that ‘the through-care initiative is a fairly new initiative for us’, and that at that time the program was only ‘into year 3’ of its operation.²⁹²

7.12 Regarding other programs, he told the Elected Body:

There have been other things in place for quite a long time that we look at trying to do in terms of addressing the sort of criminogenic issues, the offending behaviour issues and the education issues in the jail. Those things extend to our Aboriginal and Torres Strait Islander detainees as well. So there are particular things in place like the CALM program, which is essentially a sort of learning, horticultural and land management initiative that has a specific Aboriginal and Torres Strait Islander focus within it that works with providing an education focus, providing a land redevelopment focus, with some qualifications that go with it.

280 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.17.

281 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.17.

282 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.18.

283 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.18.

284 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.18.

285 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.18.

286 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.18.

287 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.19.

288 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.19, 20.

289 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.19, 20.

290 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, p.20.

291 ATSIEB, Transcript of Evidence, 04-12-14, pp.107–108.

292 Mr Anthony Malone, ATSIEB, Transcript of Evidence, 04-12-14, p.108.



That is a specific program that is identified as looking at those issues and that provides some additional learning, additional employment opportunities, some skills for employment. There is a cultural component in it as well in terms of art and language, so it is trying to build confidence and a sense of future for those individuals that are involved. So there is that sort of program. That is not a through-care program. The through-care links out of that, but it is a separate program for through care.²⁹³

7.13 He also referred to positions within Corrective Services, intended to provide 'some specific support to Aboriginal and Torres Strait Islander detainees in the facility', such as the Indigenous liaison officer and case manager which, he told the Elected Body, through which the Directorate was trying 'to ensure that there are links and supports in place to help Aboriginal and Torres Strait Islander detainees in their detention in the jail and to get them focused on addressing those issues'.²⁹⁴

7.14 In addition, he told the Elected Body:

We have the relatively new elders visitation program, which your colleague, Ross, was very significant in establishing. That is also about providing those links to the community so that the detainees inside are saying, 'Okay, I'm still part of that community outside of the walls of this facility and I need to return to that community at the end of my time here. I want to be better prepared to go back into that community and be part of that community'. I think that is an important one as well.²⁹⁵

7.15 The Senior Manager went on to say that there were:

also a range of other things that we do that are not specific to our Aboriginal and Torres Strait Islander detainees but are there to say, "All right. If you have got alcohol and drug concerns, we have got programs in place to address those." Obviously that is a very significant issue for a lot of our offenders. But we have other programs as well, and they all go towards addressing this issue about not returning.²⁹⁶

7.16 At this point the Director-General also responded to the question, telling the Elected Body of:

the government's commitment over the next two years to develop both a justice reform strategy and to do some work in relation to justice reinvestment. One of the key components of our justice reform strategy and the way we are developing our strategy in the time that we have is through some very specific workshops on key issues.²⁹⁷

7.17 She went on to say that:

One of the key ones we have identified is Indigenous incarceration and the need to consider issues specific to Aboriginal and Torres Strait Islander people as we go about developing the justice reform strategy. So we are very much anticipating that a component of that strategy will focus on Aboriginal and Torres Strait Islander people. Your participation in the advisory group for that strategy, which has only recently kicked off and had its first meeting, has been very helpful in helping us frame the context of how we think that strategy might develop going forward. We will very much appreciate that work into the future. That strategy is looking at issues around sentencing and more innovative options in relation to sentencing which can provide alternatives to incarceration, potentially.²⁹⁸

293 Mr Anthony Malone, ATSIEB, Transcript of Evidence, 04-12-14, p.108.

294 Mr Anthony Malone, ATSIEB, Transcript of Evidence, 04-12-14, p.108.

295 Mr Anthony Malone, ATSIEB, Transcript of Evidence, 04-12-14, p.108.

296 Mr Anthony Malone, ATSIEB, Transcript of Evidence, 04-12-14, pp.108-109.

297 Ms Alison Playford, ATSIEB, Transcript of Evidence, 04-12-14, p.109.

298 Ms Alison Playford, ATSIEB, Transcript of Evidence, 04-12-14, p.109.



7.18 In addition, she told the Elected Body, it was:

The same with the justice reinvestment: we are going to start with evaluating some of the work we already do, but looking at opportunities for developing specific programs which are aimed at kind of diversion. I think that is an exciting opportunity over the next 18 months to two years to really develop that in a collaborative way.²⁹⁹

7.19 At this point the Senior Manager made a further response to the question. He told the Elected Body that:

we probably should be working towards is a session with the elected body early next year on justice reinvestment, because the gap you mention, Rod, while we are generally evaluating our program and how many people are doing it, do we really know this program is keeping people from going back to prison? Really, the justice reinvestment work is for us to add in that component. We are really trying, with through care, the human services blueprint, out-of-home care, to work out how we start capturing the data to know whether they are keeping people out of prisons.³⁰⁰

Capture data on interactions with Aboriginal and Torres Strait Islander people

Written responses

7.20 The Directorate's written response to the Elected Body's second generic question was 6 pages in length and indicated the following:

- tables in the ACT Criminal Justice Statistical Profile³⁰¹
- data captured by the Office of Regulatory Services on Births, Deaths and Marriages and information received under the Working with Vulnerable People Act, which 'is not provided to any other party and is used for information purposes only'³⁰²
- ACT Corrective Services data on incarceration rates³⁰³
- ACT Policing data including that recorded by the Indigenous Liaison Officer, the Case Management System, and data on 'number of persons lodged in custody'³⁰⁴
- Victim Support ACT data on 'cultural diversity of clients'.³⁰⁵

Hearings

7.21 In hearings of 4 December 2014 the Elected Body asked questions regarding accurate capture of data on prisoners identifying as Aboriginal and Torres Strait Islander on entry to the Alexander Maconochie Centre (AMC).³⁰⁶

7.22 In response, the General Manager, Custodial Operations, Alexander Maconochie Centre, ACT Corrective Services, told the Elected Body:

299 Ms Alison Playford, ATSIEB, Transcript of Evidence, 04-12-14, p.109.

300 Mr Anthony Malone, ATSIEB, Transcript of Evidence, 04-12-14, p.110.

301 Justice and Community Safety Directorate, Response to ATSIEB generic question 2, 2014, pp.1–2.

302 Justice and Community Safety Directorate, Response to ATSIEB generic question 2, 2014, p.2.

303 Justice and Community Safety Directorate, Response to ATSIEB generic question 2, 2014, pp.3–4.

304 Justice and Community Safety Directorate, Response to ATSIEB generic question 2, 2014, p.4.

305 Justice and Community Safety Directorate, Response to ATSIEB generic question 2, 2014, p.5.

306 ATSIEB, Transcript of Evidence, 04-12-14, p.105.



On any induction into the centre, the detainees are asked a number of questions. They are given the opportunity then to provide any detailed contacts. If there are any issues identified on induction, we will respond accordingly to whatever contact they give us, but also that is when we immediately introduce our liaison officer and case manager. So on induction that question is asked: 'First of all, what is the ethnicity?'. In response to your question about policy and procedure, across the AMC, obviously broadly, the policies are continually reviewed, because practice changes and we want to try to get better at everything we do. There is certainly the opportunity and capability to review if we feel there is a need or we are not addressing those types of things as well as we could.³⁰⁷

7.23 He went on to say, specifically, regarding data capture of Aboriginal and Torres Strait Islander people coming into the AMC, that:

We accept and understand that it is a difficult matter. Our process currently is that we rely on self-referral. So we rely on the detainees arriving in the centre to make mention of their ethnicity. We have had occasions — we do have occasions — where our liaison officer or our official visitor, those types of persons, may bring that to our attention. But certainly we take on board that it is a very difficult set of circumstances. We do not want to impart on a person that does not identify willingly. As I say, generally it has relied on self-referral from the detainees themselves.³⁰⁸

Promote Aboriginal and Torres Strait Islander employment

Written responses

7.24 The Directorate's written response to the Elected Body's third generic question was as follows.

The JACS Directorate promotes Aboriginal and Torres Strait Islander employment within the organisation in a proactive manner. The following responses outline the activities undertaken within the Directorate:

a What are the current Aboriginal and Torres Strait Islander levels in your Directorate?

As at 24 September 2014, the Justice and Community Directorate (JACS) had 29 employees who identified themselves as being from Aboriginal and Torres Strait Islander background. Their current classification levels are provided in the table below.

Classification

- Ambulance Support Officer 1
- Ambulance Paramedic
- Administrative Services Officer Class 2
- Administrative Services Officer Class 3
- Administrative Services Officer Class 5
- Administrative Services Officer Class 6
- Contract Executive
- Correctional Officer Class 1
- Fire Brigade 2
- Fire Brigade 4
- Fire Brigade 6
- Senior Officer Grade B
- WorkCover Officer 6

307 Mr Don Taylor, ATSIEB, Transcript of Evidence, 04-12-14, p.104.

308 Mr Don Taylor, ATSIEB, Transcript of Evidence, 04-12-14, p.105.



In addition to the 29 employees:

The ACT Corrective Services recruited three Aboriginal trainees under the Australian Apprenticeship Program. The three trainees are working towards achieving Certificate III in Business Administration qualification.

- b** Of those levels how many of Aboriginal and Torres Strait Islander people hold senior levels within your Directorate?

Of the above listed classifications, three Aboriginal and Torres Strait Islander employees hold senior positions at the Contract Executive, Senior Officer Grade B and Fire Brigade 6 classification levels within the Directorate.

- c** How does your Directorate support your Aboriginal and Torres Strait Islander staff, such as Leadership, Training and Development and Mentoring?

To support JACS Aboriginal and Torres Strait Islander staff, JACS launched an Aboriginal and Torres Strait Islander Employment Action Plan in conjunction with its first Reconciliation Action Plan in June 2012. The Plan provides strategies for how the Directorate aims to increase the number of Aboriginal and Torres Strait Islander staff. The Plan builds on the Aboriginal and Torres Strait Islander Justice Agreement and the ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People. The Plan is also supported by the Directorate's RAP.

Under this Plan, all staff including Aboriginal and Torres Strait Islander employees have access to JACS leadership, training and development opportunities via the JACS Learning and Development Calendar, specific job training provided by their business units, various nationally accredited programs and study opportunities. Some of the training places are also allocated for Aboriginal and Torres Strait Islander employees. Examples of programs participated by Aboriginal and Torres Strait Islander employees include:

- Future Leaders Development Program
- JACS Workplace Management Program
- 2014 AIATSIS National Indigenous Studies Conference
- RED Dust Healing Workshop
- Young Professionals Breakfast
- ACT and Region Indigenous Excellence Awards Dinner
- Annual AHL Luncheon
- ACT NAIDOC Ball
- three officers had access to study assistance.

ACT Corrective Services provided mentoring to their three Aboriginal and Torres Strait Islander trainees.

In 2014–15, JACS will continue to offer opportunities for Aboriginal and Torres Strait Islander staff through professional development. JACS also commenced a mentoring program for their Aboriginal and Torres Strait Islander employees.



Additional Information—ACT Corrective Services

ACT Corrective Services has six Identified positions. The positions are:

- Aboriginal and Torres Strait Islander Senior Policy Officer
- AMC Indigenous Case Manager
- two Indigenous Probation and Parole Officers
- AMC Indigenous Liaison Officer
- Aboriginal Client Support Officer (in Community Corrections).

In addition to ACT Public Service employees, the ACT Government engages an Indigenous Official Visitor to oversight ACT correctional facilities. The occupant of this position has been appointed until January 2017.

In addition to whole-of-agency recruitment and development action, ACT Corrective Services has engaged three Aboriginal and Torres Strait Islander trainees under the Australian Apprenticeship Program. The trainees are working towards achieving Certificate III in Business Administration.

Additional Information—ACT Policing

As reported in the *ACT Policing 2013–14 Annual Report*, there are nine appointees who identify as Aboriginal and Torres Strait Islander.

Across the Australian Federal Police (AFP), 92 appointees identify as Aboriginal and Torres Strait Islander. Eight of these appointees are employed at a Band 7 level and above.

The highest level held by Aboriginal and Torres Strait Islander AFP appointee is Band 7 and above—this equates to team leaders and managers.

All AFP members who identify as Aboriginal and Torres Strait Islander are invited to become a part of the Malunggang Indigenous Officers Network (MION). The network aims to provide support, advice and career guidance to all Aboriginal and Torres Strait Islander appointees, and to provide AFP management with advice on Aboriginal and Torres Strait Islander issues. The MION Executive Committee comprises a Chair and Deputy Chair and has six committee members. Bryan Waddell, Indigenous Liaison Officer for ACT Policing, joined AFP through the traineeship program and, in recognition of his commitment and dedication to the MION ideal, was awarded the Ben Blakeney Memorial Award earlier this year.

The AFP also runs Aboriginal and Torres Strait Islanders Directions Program Cadetships, for university students, and Traineeships where qualifications and experience are not required.

Additional Information—JACS RAP 2

JACS launched its second RAP on 21 August 2013. The second RAP seeks to build on the actions of our initial RAP by continuing and enhancing key initiatives including engaging with our Aboriginal and Torres Strait Islander staff members and with the broader community; raising awareness of Aboriginal and Torres Strait Islander cultures across JACS; and promoting opportunities for Aboriginal and Torres Strait Islander people in the ACT.

There is a close alignment between our 2nd RAP and the JACS Aboriginal and Torres Strait Islander Employment Action Plan 2012–15. We are committed to continuing to create employment opportunities by aiming to attract and retain Aboriginal and Torres Strait Islander people to work in JACS, and in turn increasing the number of Aboriginal and Torres Strait Islander people employed across the Directorate and the number of Aboriginal and Torres Strait Islander staff that we retain in JACS.



Increasing the number of Aboriginal and Torres Strait Islander staff will assist in strengthening our Reconciliation effort, particularly in broadening JACS' diversity and helping the local community through employment opportunities.³⁰⁹

Hearings

7.25 In hearings of 4 December 2014, the Elected Body asked questions as to the work of the Aboriginal Liaison Officer and Aboriginal Case Manager positions at the AMC; identified positions for Aboriginal and Torres Strait Islander people in Corrective Services; and whether there was an employment strategy in place to increase employment representation.³¹⁰

7.26 In responding, the General Manager, Custodial Operations, Alexander Maconochie Centre, ACT Corrective Services, told the Elected Body of the work of the Aboriginal Liaison Officer and Aboriginal Case Manager at the AMC:

The two roles are quite diverse across the centre. With our Aboriginal and Torres Strait Islander detainees, the case manager is certainly part of the broader case management team but does focus on those Indigenous people. The liaison officer plays a similar role; however, it is more around specific needs that may need external liaison and it may be around trying to link with community. The case manager still does perform that role as well, so they are crossover roles, but specifically the case manager manages internally, and the sentence program and process for each detainee.³¹¹

7.27 Asked whether these positions were occupied by Aboriginal and Torres Strait Islander people, the General Manager confirmed that they were. Asked if these were the only identified positions at the AMC, he told the Elected Body:

Yes; that is right. There are some broader Corrections positions, but in the AMC those are the two. We have one custodial staff member who identifies as Aboriginal as well, but that is not a specific position. The two positions are the only two that are specific and nominated as Indigenous positions.³¹²

7.28 Asked if there were an employment strategy to increase representation of Aboriginal and Torres Strait Islander people in Corrective Services staff, he told the Elected Body that 'we are always looking at the mix of people—gender specific as well as Aboriginal and Torres Strait Islander people'.³¹³

7.29 At this point the Director-General also responded to the question. She told the Elected Body that:

within JACS, one of the items that were part of our first reconciliation action plan was to have an Aboriginal employment strategy. Right across the Directorate we have an Aboriginal employment strategy which covers all of our business units, including Corrective Services. That strategy has guided us to an extent in approaches to things like how we advertise for positions et cetera in a broad way. We might attract particular markets with Aboriginal people; we participate in Indigenous expos et cetera where it might be useful and we have some particular targets within that. We have a regular review process for all of our policies, and in the first part of next year we will be doing our review and update of that general employment strategy. Corrective Services have taken some initiatives which have been part of that broader strategy but very much driven from Corrective Services.³¹⁴

309 Justice and Community Safety Directorate, Response to ATSIIEB generic question 3, 2014, pp.1–4.

310 ATSIIEB, Transcript of Evidence, 04-12-14, p.103.

311 Mr Don Taylor, ATSIIEB, Transcript of Evidence, 04-12-14, p.102.

312 Mr Don Taylor, ATSIIEB, Transcript of Evidence, 04-12-14, p.102.

313 Mr Don Taylor, ATSIIEB, Transcript of Evidence, 04-12-14, p.102.

314 Ms Alison Playford, ATSIIEB, Transcript of Evidence, 04-12-14, p.103.



7.30 At this point, the Senior Manager, Workforce Development and Training, ACT Corrective Services, also responded to the question. He told the Elected Body that:

We have some core positions that are identified as Aboriginal and Torres Strait Islander positions in the agency. There are the senior policy officer; case manager; two probation and parole officers; an Indigenous liaison officer . . . and an Aboriginal client support officer who works in Community Corrections. As Alison said, broadly we have been trying to align our recruitment practices and what we do with the Directorate broadly.³¹⁵

7.31 He went on to say that:

When we go through a large recruitment process, we always think very carefully about how we are going to get this message to Aboriginal and Torres Strait Islander people, how we do this effectively. For example, there are some reasonably standard advertising methods, across the Directorate at least, that we would use. There are particular publications that we would look at, the Indigenous Times and several others. When we did some public forums recently as part of a larger recruitment process for new correctional officers, AMC case managers and other people, advertising for those sessions was on the radio; it was going very broadly.³¹⁶

7.32 The Elected Body also considered these matters when it spoke to ACT Policing in hearings of 4 December 2014.

7.33 In responding to another question, the Deputy Chief Police Officer (Crime), ACT Policing, told the Elected Body that 'we do not have many Aboriginal and Torres Strait Islander people within ACT Policing', and that it was a 'priority of the AFP is to enhance the number of our [Aboriginal and Torres Strait Islander] employees'.³¹⁷

7.34 At a later point in hearings the Deputy Chief Police Officer told the Elected Body that:

We have an Aboriginal and Torres Strait Islander trainee program. We are advertising still, but it closes very soon, for an intake again next year. A number of those staff will be placed within ACT Policing. Again I ensure that they get access to all our teams and then, hopefully, have pathways for their own employment back into ACT Policing.³¹⁸

7.35 He went on to say that:

The AFP as a whole is reviewing its diversity strategic plan. I have had input into that process, representing ACT Policing, and my own insight. The new commissioner, Andrew Colvin, is hoping to launch that very early in the new year. As the new commissioner, he has made some very strong points, saying that significantly enhancing the diversity of the workforce is one of his top five priorities of. I am hoping for some exciting news in the new year about that.³¹⁹

315 Mr Jeremy Boland, ATSIEB, Transcript of Evidence, 04-12-14, p.103.

316 Mr Jeremy Boland, ATSIEB, Transcript of Evidence, 04-12-14, pp.103–104.

317 Commander David Pryce, ATSIEB, Transcript of Evidence, 04-12-14, p.114.

318 Commander David Pryce, ATSIEB, Transcript of Evidence, 04-12-14, p.116.

319 Commander David Pryce, ATSIEB, Transcript of Evidence, 04-12-14, p.116.



Consult when developing programs and services

Written responses

7.36 The Directorate's written response to the Elected Body's fourth generic question was as follows.

The Justice and Community Safety Directorate utilises a number of consultation processes in relation to programs and services that will have an impact on the lives of Aboriginal and Torres Strait Islander people in the ACT such as the Galambany Court Advisory Group, Indigenous Guidance Partner in Restorative Justice, the Manager of Social Justice in the Legislation Policy and Programs team and other Indigenous and non-indigenous staff across the JACS Directorate and the ACT Aboriginal and Torres Strait Islander Elected Body. Further detail is provided as follows:

ACT Aboriginal and Torres Strait Islander Elected Body

JACS consults with the ACT Aboriginal and Torres Strait Islander Elected Body through attendance at meetings, out of session on the Aboriginal and Torres Strait Islander Justice Agreement 2014–2017, and other justice related matters as relevant.

JACS utilises the opportunity to engage with community members on justice matters through the community forums co-facilitated with the Elected Body.

Aboriginal Justice Agreement

The Manager, Social Justice is responsible for the development, monitoring and reporting of the ACT Aboriginal and Torres Strait Islander Justice Agreement. The role is an identified position and oversees the contract management of organisations delivering justice related services to Aboriginal and Torres Strait Islander people in the ACT.

The role also consults with the broader community, organisations and Directorates on matters relating to Aboriginal and Torres Strait Islander Justice Affairs in the ACT.

JACS engages with Aboriginal and Torres Strait Islander Community members, organisations and other key stakeholders on the Justice Agreement through various meetings, community forums and ongoing consultation with the ACT Aboriginal and Torres Strait Islander Elected Body.

As part of the monitoring, review and evaluation of the Justice Agreement, JACS consults with the relevant stakeholders to identify areas of success and where further focus may result in better outcomes for Aboriginal and Torres Strait Islander people in the ACT.

Community Forums

JACS has participated in community forums with the ACT Aboriginal and Torres Strait Islander Elected Body on the Justice Agreement to stay abreast of issues the community raise as important. JACS staff attend community forums such as the Whole-of-Government Agreement on Aboriginal and Torres Strait Islander Affairs, to support whole-of-government initiatives and to work with the community to identify appropriate strategies aimed at reducing contact with the criminal justice system.



Galambany Court

When considering the creation or expansion of a program or service that will have an impact on the lives of Aboriginal and Torres Strait Islander people, invitations are extended for the community to be involved in group discussions to ensure culturally-appropriate policies and procedures are implemented. An example of this is the extensive community consultation that took place after a review of the Galambany Court in 2008 showed it to be at risk of failure. Recommendations from this community consultation to strengthen the Galambany Court continue to be implemented by JACS today.

A more recent example of this is the consultation with the ACT's Aboriginal and Torres Strait Islander community around improving the participation of victims in Galambany Court processes. Two consultations were conducted in March 2013 and May 2014 before an agreement was reached about moving forward in a slow, sensitive way that respected the emotional vulnerability of Galambany Court Panel Members (who perform the difficult task of sitting in judgment and recommending sentences for members of their own community) as well as the justice needs of victims.

The Galambany Court Advisory Group — GCAG (formerly known as the reference group) conveys community questions and issues pertaining to the Galambany Court to this forum which feeds into a Strategic Oversight Group, chaired by the Galambany Court Magistrate and also attended by the Galambany Coordinator, Court Registrar, Executive Director of JACS and the Restorative Justice Unit Manager .

Letters from the Executive Director of Legislation, Policy and Programs go out to relevant stakeholder agencies requesting that CEO's nominate an Aboriginal and or Torres Strait Islander employee for membership on the GCAG. The first meeting for the 2014–15 financial year was scheduled for 31 October 2014.

Indigenous Guidance Partner

The Restorative Justice Unit employed a full time Indigenous Guidance Partner to consult with and support Aboriginal and/or Torres Strait Islander young people and their families participating in restorative justice processes and also liaises with the Galambany Coordinator to assist with young Indigenous people and their families referred to the Galambany Court.

The RJU's Indigenous Guidance Partner position attends MPower meetings run by Community Youth Justice (CSD) which includes ACT Policing and Aboriginal and or Torres Strait Islander representatives from various agencies to provide a forum for airing and responding to justice and welfare concerns for Indigenous young people in the criminal justice system.

JACS Reconciliation Action Plan

JACS launched its second RAP on 21 August 2013. The second RAP seeks to build on the actions of our initial RAP by continuing and enhancing key initiatives including engaging with our Aboriginal and Torres Strait Islander staff members and with the broader community; raising awareness of Aboriginal and Torres Strait Islander cultures across JACS; and promoting opportunities for Aboriginal and Torres Strait Islander people in the ACT.

The Directorate has made considerable effort to engage more closely with the Aboriginal and Torres Strait Islander community in 2013–14, particularly the Aboriginal and Torres Strait Islander Elected Body.



There is a close alignment between our RAP and the JACS Aboriginal and Torres Strait Islander Employment Action Plan 2012–15. We are committed to creating employment opportunities by aiming to attract and retain Aboriginal and Torres Strait Islander people to work in JACS, and in turn increasing the number of Aboriginal and Torres Strait Islander people employed across the Directorate and the number of Aboriginal and Torres Strait Islander staff that we retain in JACS.

Increasing the number of Aboriginal and Torres Strait Islander staff will assist in strengthening our Reconciliation effort, particularly in broadening JACS' diversity and helping the local community through employment opportunities.

As outlined in our second RAP, the Directorate continues to primarily consult on policies and programs impacting on the Aboriginal and Torres Strait Islander community with the ACT Aboriginal and Torres Strait Islander Elected Body. However JACS also recognises the importance of consulting with the United Ngunnawal Elders Council where appropriate.

A RAP commitment is to establish an Aboriginal and Torres Strait Islander Staff Network to include peer support and information exchange, the terms of reference for which are currently being finalised.

JACS Indigenous Staff Network

The terms of reference for the JACS Indigenous Staff Network are currently being reviewed and will be finalised shortly. The focus of the Staff Network will be to provide an opportunity for Aboriginal and Torres Strait Islander Staff to provide relevant advice to the JACS executive in a service delivery and policy context, with a key focus on improving justice related outcomes for Aboriginal and Torres Strait Islander people in the ACT.

ACT Corrective Services

In addition to whole of Directorate approaches, including the Aboriginal Justice Agreement, ACT Corrective Services includes Aboriginal and Torres Strait Islander individuals or agencies on key oversight forums. This includes current forums such as the Throughcare Governance Group (which has Indigenous representation) and the AMC Oversight Agencies forum (to which the Indigenous Official Visitor is invited) and past bodies such as the Knowledge Consulting Review Taskforce.

The Throughcare Unit also regularly meets in forums with Aboriginal and Torres Strait Islander agencies and other agencies delivering services to Aboriginal and Torres Strait Islander people.

ACT Corrective Services utilises Aboriginal and Torres Strait Islander networks in the development of key programs such as the Elders Program.

ACT Policing

ACT Policing consults broadly with Community representatives, government and non-government agencies during the development of programs that are specific to members of the Aboriginal and Torres Strait Islander community. This consultation enables ACT Policing to be aware of the range of programs, including educational and support programs, that are available and how these programs may complement the services delivered by ACT Policing.

Through representation by the Indigenous Liaison Officer at meetings where programs and services are reviewed, ACT Policing remains aware of contemporary issues and can offer information to assist in the development of appropriate responses.³²⁰

³²⁰ Justice and Community Safety Directorate, Response to ATSIEB generic question 4, 2014 (unpaginated).



Hearings

7.37 In hearings of 4 December 2014 the Elected Body asked questions of ACT Policing regarding consultation and engagement with Aboriginal and Torres Strait Islander people.³²¹

7.38 In responding, the Deputy Chief Police Officer (Crime), ACT Policing, told the Elected Body that:

We used to have an Aboriginal and Torres Strait Islander community engagement team. We changed our structure in 2013 specifically to break up that team but to enhance our coverage. So we have a dedicated Aboriginal liaison officer, who currently is Brian Waddell, who performs a whole range of functions in support of our Aboriginal and Torres Strait Islander community engagement programs. He is a specific individual, but, as for the actual works performed through our crime reduction and education and diversion teams, we have a north and south team. They support the police districts, both north and south, and they deliver, in addition to the liaison officer, whether it is community engagement through visits to particular areas or groups, whether it is involvement in community events or other activities.³²²

7.39 He told the Elected Body:

I outlined before how we are engaging with the Aboriginal and Torres Strait Islander community here specifically in the ACT. It is an ongoing process. I was concerned when I took over the role that we only had one very small team and really everyone else in a way divested their responsibility, saying, "That's the team." I am trying to inculcate the culture across the whole of ACT Policing that it is everyone's responsibility. We all have to make a contribution and we all have to understand the complexities, as well as build personal relationships. We are working through a maturity cultural change process. We are probably at stages 1 and 2 of that, but there are many more stages to go.³²³

Increase Aboriginal and Torres Strait Islander economic participation

Written responses

7.40 The Directorate's written response to the Elected Body's fifth generic question was as follows.

Economic participation is best accommodated by people whose rights are supported and who can operate on a level playing field with the rest of the community.

JACS supports economic participation on this front by actively working to place Aboriginal and Torres Strait Islander people into an equivalent position to the rest of the community. The Aboriginal and Torres Strait Islander Justice Agreement currently under development seeks to address the overrepresentation of Indigenous people both as victims and offenders in the criminal justice system. JACS is currently putting in place a temporary replacement for the AJC to support Aboriginal and Torres Strait Islander people in contact with the justice system. JACS also provides funding for specific programs to assist woman and young people in contact with the justice system.

Further, the Justice and Community Safety Directorate (JACS) will continue to explore ways of recruiting Aboriginal and Torres Strait Islander people. Examples include:

- engaging trainees under the Australian Apprenticeship Program
- advertising all identified positions in the mainstream and Aboriginal and Torres Strait Islander media and networks

321 Commander David Pryce, ATSIEB, Transcript of Evidence, 04-12-14, p.114.

322 Commander David Pryce, ATSIEB, Transcript of Evidence, 04-12-14, p.114.

323 Commander David Pryce, ATSIEB, Transcript of Evidence, 04-12-14, p.114.



- advertising traineeships/internships through CIT and various universities' networks
- continued participation in the 2014 ACT and Region Indigenous Expo to showcase our services and job and volunteering opportunities that may arise
- explore participation in the Australian Government's Indigenous Cadetship Program
- continued commitment to participate as a working group member in the whole-of-government Aboriginal and Torres Strait Islander Traineeship Program and Graduate Program.

ACT Corrective Services has in-custody programs to improve the employment prospects of detainees upon release. Aside from programs to address offending behaviour, there are also education programs to address literacy and numeracy skills and training programs to provide employment skills.

There are a number of initiatives which directly address training and employability for Aboriginal and Torres Strait Islander detainees. These include the:

Certificate II—Conservation and Land Management

Aboriginal and Torres Strait Islander detainees are able to undertake a Certificate II in Conservation and Land Management through the Conservation and Land Management (CALM) program. The CALM course within the AMC involves training detainees in various modules, from working on sites that have been cleared or disturbed for a variety of reasons to collecting seeds and propagating plants. Detainees learn about restoring weed infested sites and sites subjected to land erosion or pollution.

Community Partnership—Indigenous Art Exhibition

Southside Community Services partnered with ACT Corrective Services in NAIDOC Week 2013 to organise an exhibition of detainee's and Community Corrections client's artwork at the Southside Community Services Gallery in Narrabundah.

The 2013 exhibition was a great success and Corrections and Southside Community Services joined together in NAIDOC Week in July 2014 to hold the exhibition again with new artwork. Artists were able to sell their pieces, providing an avenue for future earnings.

Employment Support—Habitat Personnel

Habitat is an Indigenous employment program provider for Aboriginal and Torres Strait Islander people which works with detainees at the AMC to prepare them for employment after release.

Habitat delivers tailored individual assessments and assembles training and employment pathways for Indigenous detainees. It then provides services post-release to assist detainees to obtain and maintain employment.³²⁴

Hearings

- 7.41 The Elected Body and the Directorate did not directly discuss Aboriginal and Torres Strait Islander economic participation in hearings, except to consider the employment of Aboriginal and Torres Strait Islander people in the Directorate, considered in relation to the Elected Body's third generic question above.

³²⁴ Justice and Community Safety Directorate, Response to ATSIEB generic question 5, 2014, pp.1–2.



Elected Body engage with Directorate

Written responses

7.42 The Directorate's written response to the Elected Body's sixth generic question was as follows.

The Justice and Community Safety Directorate has continued to develop the relationship and partnership with the Elected Body with the shared goal of achieving better outcomes for Aboriginal and Torres Strait Islander people in the criminal justice system.

This partnership is imperative to achieving those goals and to establish a clear vision for the future work required.

The Justice and Community Safety Directorate (JACS) considers the relationship with the Aboriginal and Torres Strait Islander Elected Body (the Elected Body) to be very positive and integral to achieving positive outcomes for Aboriginal and Torres Strait Islander people who are at risk of or involved with the criminal justice system.

JACS has undertaken considerable consultation with previous and current members of the Elected Body in the development of the first Aboriginal Justice Agreement 2010–2013 and the redeveloped Aboriginal Justice Agreement 2014–2017.

JACS continues to value the advice provided on issues of relevance for the Aboriginal and Torres Strait Islander community, and seeks to continue improvements in policy and service delivery

JACS has recently implemented the Strategic Oversight Group to the Aboriginal Justice Agreement 2014–2017 to provide a further opportunity to engage with the Elected Body Justice representative Mr Fred Monaghan, Chairperson Mr Rod Little and the Director-General of the Community Services Directorate to progress the Agreement.

The monthly meetings between JACS Executive and the Elected Body are necessary to keep abreast of current priorities of the Elected Body and to discuss strategies to effectively respond to complex problems that are often faced by individuals within the criminal justice system

JACS considers that ongoing consultation with the community and clients impacted by service delivery and policy directions, including open communication with the Elected Body and other members, is fundamental to achieving the best possible outcomes for individuals.

The use of community forums has proved beneficial and of significant importance in understanding the specific and practical needs of community members to address over representation, recidivism and incarceration.

The redevelopment of the Aboriginal Justice Agreement 2014–2017 has focussed specifically on the feedback provided at the community forums, which has produced an Agreement that is community driven. JACS have consulted extensively with the Elected Body in relation to progression of the draft Agreement. A Strategic Oversight Group provides JACS Executive, Elected Body Chairperson and Justice Representative and the DG of Community Services Directorate an opportunity to meet on a monthly basis to discuss the Agreement.

To continue in an effective partnership with the Elected Body to deliver on outcomes of the Agreement and future work, JACS suggests the establishment of protocols specific to the requirements of the Elected Body and JACS regarding approved information exchange, engagement and consultation methods, timeframes for responses and key points of contact.



The current protocols for engagement with Government Directorates are a guide; however the functions, roles and responsibilities of the branches within those structures are unique.

JACS would like to work in partnership with the Elected Body to develop such protocols to provide a platform of shared understanding.

JACS has previously had difficulty getting on the Elected Body agenda, particularly when the Aboriginal Justice Agreement was supposed to be a standing agenda item. It would assist if there was clarity around meeting times.

ACT Corrective Services is happy with the current level of engagement with the Elected Body. There have been presentations to Elected Body members in regard to the provision of education services and members recently toured the AMC.³²⁵

Hearings

7.43 Engagement between the Elected Body and the Directorate was not specifically discussed when the Directorate appeared in hearings of 4 December 2014.

Questions Taken on Notice

7.44 In addition to the written responses and witness testimony considered above, a further Question Taken on Notice was asked and answered regarding:

- review processes ACT Policing has adopted on recommendations of the Royal Commission into Aboriginal Deaths in custody within its area of responsibility
- privacy and notifications to next of kin in connection with incidents involving prisoners at the AMC
- targets for Aboriginal and Torres Strait Islander staff at the AMC.³²⁶

Elected Body comment

First generic question

7.45 The Elected Body notes the Directorate's written response to its first generic question.³²⁷

7.46 In hearings, the Elected Body was pleased to hear of multi-pronged efforts by the Directorate to reduce over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system. These included: the Throughcare program;³²⁸ positions specifically to support Aboriginal and Torres Strait Islander detainees, including an Elders Visitation Program;³²⁹ and other measures designed to reduce recidivism for all persons with contact with the criminal justice system.³³⁰

325 Justice and Community Safety Directorate, Response to ATSIEB generic question 6, 2014, pp.1–2.

326 See Appendix C, *Summary of responses to Questions Taken on Notice and Questions on Notice*, Nos.14–16 inclusive.

327 Justice and Community Safety Directorate, Response to ATSIEB generic question 1, 2014, pp.1–20.

328 Mr Anthony Malone, ATSIEB, Transcript of Evidence, 04-12-14, p.108.

329 Mr Anthony Malone, ATSIEB, Transcript of Evidence, 04-12-14, p.108.

330 Ms Alison Playford, ATSIEB, Transcript of Evidence, 04-12-14, p.109.



- 7.47 Important, in the view of the Elected Body, were plans to capture and analyse data, in connection with justice reinvestment, to identify which measures were or were not effective in reducing repeated contacts with the criminal justice system.³³¹
- 7.48 The Elected Body was pleased to hear this evidence and looks forward to considering progress in these matters in future hearings.

Second generic question

- 7.49 The Elected Body notes the Directorate's written response to its second generic question.³³²
- 7.50 The Elected Body notes that in discussion in hearings it expressed concerns on the part of the ACT Aboriginal and Torres Strait Islander community at the extent to which the Indigenous status of detainees being admitted to the Alexander Maconochie Centre relied on self-identification.³³³
- 7.51 In view of the significance of this in connection with data capture and, potentially, access to specific programs for Aboriginal and Torres Strait Islander detainees in the future, the Elected Body notes accepted criteria for Indigenous status, in this instance quoted from the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS):

Government agencies and community organisations usually accept three 'working criteria' as proof or confirmation of Aboriginal or Torres Strait Islander heritage:

- being of Aboriginal or Torres Strait Islander descent
- identifying as an Aboriginal or Torres Strait Islander person
- being accepted as such by the community in which you live, or formerly lived.

All of these things must apply. The way you look or how you live are not requirements.³³⁴

- 7.52 In light of this, the Elected Body makes the following recommendation.

RECOMMENDATION 13

- 7.53 **The Elected Body recommends that the Indigenous status of detainees entering the Alexander Maconochie Centre be determined on the basis of the following conventionally-accepted criteria identified by the Australian Institute of Aboriginal and Torres Strait Islander Studies, as follows:**
- **being of Aboriginal or Torres Strait Islander descent**
 - **identifying as an Aboriginal or Torres Strait Islander person**
 - **being accepted as such by the community in which you live, or formerly lived.**

Third generic question

- 7.54 The Elected Body notes the Directorate's written response to its third generic question.³³⁵
- 7.55 As has been the case for some other Directorates, the Elected Body notes that there would be some difficulty in assessing progress toward staffing targets for Aboriginal and Torres Strait Islander people in

331 Mr Anthony Malone, ATSIEB, Transcript of Evidence, 04-12-14, p.110.

332 Justice and Community Safety Directorate, Response to ATSIEB generic question 2, 2014, pp.1–5.

333 Mr Don Taylor, ATSIEB, Transcript of Evidence, 04-12-14, p.105.

334 Australian Institute of Aboriginal and Torres Strait Islander Studies, 'Proof of Aboriginality', available at: <http://aiatsis.gov.au/research/finding-your-family/before-you-start/proof-aboriginality>

335 Justice and Community Safety Directorate, Response to ATSIEB generic question 3, 2014, pp.1–4.



the Directorate if it were to rely solely on the Directorate's written response to the generic question, as it quoted head-counts rather than percentages of total establishment. If that were the sole source available it would be difficult for the Elected Body to assess progress, or to consider the effectiveness of measures outlined in testimony presented by witnesses in hearings.

- 7.56 The most recent Justice and Community Safety Directorate Annual Report, at time of hearings, was for the 2013–14 financial year. It showed Aboriginal and Torres Strait Islander people comprising 1.4 per cent of the 'Percentage of agency workforce' for the Directorate: significantly short of agreed targets of 2 per cent.³³⁶
- 7.57 Given that these figures were available, the Elected Body considers that it would have been better for the Directorate to have quoted them in its response to the Elected Body's question, rather than raw head-counts, and looks forward to these figures being quoted in future responses to the Elected Body's questions.
- 7.58 With regard to written evidence and that tendered in hearings, the Elected Body is for the moment happy to consider this as evidence of the Directorate's aspirations for future performance in this area.
- 7.59 In light of this, the Elected Body looks forward to considering these matters in future hearings processes.

Fourth generic question

- 7.60 The Elected Body notes the Directorate's written response to its fourth generic question.³³⁷
- 7.61 In relation to evidence tendered by witnesses in hearings, the Elected Body noted the great reliance by ACT Policing on a single identified position, the Aboriginal liaison officer, in its efforts to consult the ACT Aboriginal and Torres Strait Islander community.³³⁸ As noted elsewhere in this report, narrow structures of this kind are vulnerable to change, of various kinds, that can easily end the delivery of the intended function.
- 7.62 In light of this, the Elected Body makes the following recommendation.

RECOMMENDATION 14

- 7.63 **The Elected Body recommends that ACT Policing create a more sustainable structure, with greater depth and redundancy for functions, including consultation with the ACT Aboriginal and Torres Strait Islander community, currently being performed by the designated Aboriginal Liaison Officer.**
- 7.64 The Elected Body also notes the decision by ACT Policing to replace a dedicated team for engaging with the ACT Aboriginal and Torres Strait Islander community with a move toward establishing a 'culture across the whole of ACT Policing that it is everyone's responsibility'.³³⁹
- 7.65 This echoes organisational changes in the Office of Aboriginal and Torres Strait Islander Affairs considered in connection with delivery of cultural proficiency in the Office of Aboriginal and Torres Strait Islander Affairs, Community Services Directorate, in another chapter in this report.³⁴⁰

336 Justice and Community Safety Directorate, *Annual Report 2013–14*, Volume 1, Table 61 – 'Headcount by diversity group', p.217, available at: http://cdn.justice.act.gov.au/resources/uploads/JACS/JACS_Annual_Report_2013_14_Vol_1.pdf

337 Justice and Community Safety Directorate, Response to ATSIEB generic question 4, 2014 (unpaginated).

338 Commander David Pryce, ATSIEB, Transcript of Evidence, 04-12-14, p.114.

339 Commander David Pryce, ATSIEB, Transcript of Evidence, 04-12-14, p.114.

340 Ms Natalie Howson, ATSIEB, Transcript of Evidence, 03-12-14, pp.39–40.

- 7.66 It is the view of the Elected Body, the jury is still out on whether a function recognised as important, in this case engagement and consultation with the ACT Aboriginal and Torres Strait Islander community, is better served by dedicated staff or be diffusing responsibility through a wider body of staff the primary function of which focuses on other areas.
- 7.67 In simple terms, the Elected Body is concerned that the function will thereby achieve a lower status in the priorities of ACT Policing, and not be pursued with any great intent, however it is for the moment happy to note the change in approach and consider the matter further in future hearings on the basis of evidence tendered by witnesses on the success or otherwise of these changes.

Fifth generic question

- 7.68 The Elected Body notes the Directorate's written response to its fifth generic question.³⁴¹
- 7.69 As noted in the body of this chapter, the chief matter considered in connection with this question was the employment of Aboriginal and Torres Strait Islander people in the Directorate, considered in relation to the Elected Body's third generic question above.
- 7.70 However, as indicated elsewhere in this report, the Elected Body notes and welcomes support by the Directorate for Aboriginal and Torres Strait Islander detainees to undertake the Certificate II in Conservation and Land Management through the Conservation and Land Management (CALM) program.³⁴²

Sixth generic question

- 7.71 The Elected Body notes the Directorate's written response to its sixth generic question.³⁴³
- 7.72 The Elected Body notes intensive engagement with the Directorate in preparation for the *Aboriginal Justice Agreement 2014–2017*, and commends the Directorate for its conduct and involvement.³⁴⁴
- 7.73 The Elected Body looks forward to considering performance in relation to the Agreement in future hearings.

341 Justice and Community Safety Directorate, Response to ATSIIEB generic question 5, 2014, pp.1–2.

342 Justice and Community Safety Directorate, Response to ATSIIEB generic question 5, 2014, pp.1–2.

343 Justice and Community Safety Directorate, Response to ATSIIEB generic question 6, 2014, pp.1–2.

344 Justice and Community Safety Directorate, Response to ATSIIEB generic question 6, 2014, pp.1–2.

8 TERRITORY AND MUNICIPAL SERVICES DIRECTORATE



Introduction

- 8.1 Witnesses from the Territory and Municipal Services Directorate appeared before the Elected Body in hearings of 4 December 2014.
- 8.2 As for previous chapters, these are considered below in sections which correspond to generic questions provided by the Elected Body to ACT Government Directorates.

Improve the lives of Aboriginal and Torres Strait Islander people

Written responses

- 8.3 The Directorate's written response to the Elected Body's first generic question was as follows.
- a** Does your Directorate provide regional services for Aboriginal and Torres Strait Islander people?
- Territory and Municipal Services (TAMS) delivers a number of specific services and programs targeted at Aboriginal and Torres Strait Islander people in the ACT.

Public Transport

TAMS delivers the Aboriginal and Torres Strait Islander Community Bus program. The program provides demand responsive transport to local Aboriginal and Torres Strait Islander Peoples and was a key recommendation of the ACT Government study into the transport needs of Canberra's Indigenous community

Libraries ACT

Library services are available to the entire ACT community. Within this framework, Libraries ACT is implementing the Aboriginal and Torres Strait Islander Protocols for Libraries Archives and Information Services (the ATSILIRN Protocols, <http://aiatsis.gov.au/atsilirn/protocols.php>) as a tool for organisational, collection, service and program development.

ACT Parks and Conservation Service (PCS)

PCS manages 73 per cent of the ACT estate including Namadgi National Park, Tidbinbilla Nature Reserve, Canberra Nature Parks, pine plantations and water catchments, and has responsibility for the conservation, cultural heritage and fire management activities of these areas, rural lease agreements and the recreational, educational, scientific and land management activities that community groups and other organisations undertake on these lands.

As such, PCS has actively engaged with local Traditional Custodians and the broader Aboriginal and Torres Strait Islander community in the ACT region for more than 30 years, to deliver a variety of programs focused on conserving, educating and connecting people to the cultural landscape. These programs have helped raise the profile of Ngunnawal Country and provided ongoing social and economic benefits to local Traditional Custodians and other Aboriginal and Torres Strait Islander people living in the



Canberra region, through targeted land management based training and employment initiatives, as well as the development of cultural heritage and interpretation activities, events and tours.

Whilst these programs are delivered on the areas PCS manages within the ACT, Aboriginal and Torres Strait Islander people from across the Canberra region including those living in Queanbeyan, Yass, Tumut and elsewhere, are involved in the delivery and employment programs associated with all these activities.

PCS also collaborates with NSW and Victorian land management agencies as part of the Australian Alps Management Program and facilitates local representation on the Australian Alps Traditional Owners Reference Group through the United Ngunnawal Elders Council and PCS Aboriginal staff.

- b** If your Directorate does provide regional services have these been impacted on service delivery due to the last federal budget

The Federal Government Budget has had no direct impact on the delivery of TAMS services.³⁴⁵

Hearings

- 8.4 In hearings of 4 December 2014 the Elected Body asked questions relating to transport. In particular the Elected Body asked about community transport services for Aboriginal and Torres Strait Islander people, and about transport arrangements to support access to the ACT Aboriginal and Torres Strait Islander Cultural Centre at Yarramundi Reach.
- 8.5 In relation to community transport services for Aboriginal and Torres Strait Islander people, the Elected Body asked about outcomes of a review of community transport, and an update on provision of community transport.³⁴⁶
- 8.6 In responding, the Executive Director, Roads and Public Transport Division, told the Elected Body that this had 'been an ongoing type of issue' and that 'the flexible transport model is one part of that answer'. He went on to say that:
- This bus route is just a fixed demand. If we could fix demand and know when the trips are on then the bus route makes a lot of sense. If it is just a case that the people visit when they want to visit then probably that sort of transport model gives that opportunity. I am sure that we can work on how we might be able to accommodate that better. That seems to be maybe a two-step type process.³⁴⁷
- 8.7 At a later point, the Elected Body asked questions regarding marketing and communication strategies to ensure that the Aboriginal and Torres Strait Islander community was fully aware of the 'community bus' service.³⁴⁸
- 8.8 In responding, the Director-General told the Elected Body that in recent weeks he had signed-off on an additional bus for the service as a response to increased demand.³⁴⁹
- 8.9 The Operations Manager, Flexible Transport Service, also responded to the question. He told the Elected Body that:
- Some nine months ago we took carriage of the bus. About six months ago we put Bruce Garrett into the position as the driver. His role was not simply to drive the bus from A to B; it was to promote the

345 Territory and Municipal Directorate, Response to ATSIIEB generic questions 2014, pp.1–2.

346 ATSIIEB, Transcript of Evidence, 04-12-14, p.123.

347 Mr Paul Peters, ATSIIEB, Transcript of Evidence, 04-12-14, p.123.

348 ATSIIEB, Transcript of Evidence, 04-12-14, p.124.

349 Mr Gary Byles, ATSIIEB, Transcript of Evidence, 04-12-14, p.124.



service within the community. I think Bruce comes with some very strong connections to all areas of the community, and word of mouth has been the biggest promoter so far. We have travelled about 33,000 kilometres in the bus in 18 months. That is not a bad mileage level for a little bus in a little town.³⁵⁰

8.10 He went on to say that:

The most exciting statistic that we have at the moment is that Bruce is averaging per week between 40 and 60 passenger trips. So word is getting out in the community. I think you would appreciate that to get to some of the other areas within the community is going to take Bruce a little bit more time. We do advertise through the Indigenous network. We have got flyers. Bruce has been out to talk to each of the individual groups. The bus, as we currently speak, is sitting in Sydney with a young women's leadership group from Gugan-Gulwan.³⁵¹

8.11 Regarding these developments, he told the Elected Body, 'we are making some inroads into it'.³⁵²

8.12 He went on to say that 'in regard to the flexible transport as a whole, the second part of the flexible transport situation is dealing with the aged community as well'.³⁵³

8.13 In relation to this, he told the Elected Body:

We are having similar sorts of communication problems with those but, again, word of mouth is probably the strongest, and I think Bruce is definitely the man for the job.³⁵⁴

8.14 In putting questions about public transport access to the Aboriginal and Torres Strait Islander Cultural Centre, the Elected Body noted that there was an ACTION bus route at the time which serviced the Cultural Centre, but expressed uncertainty as to the regularity of services, and asked whether it might be possible to increase the frequency of services, and thus increase access to the Centre.³⁵⁵

8.15 In responding, the Director-General told the Elected Body that he thought there was:

still opportunity to promote the cultural centre more than it is at the moment. I spoke as recently as this morning with my counterpart David Dawes from the Economic Development Directorate about the economic benefits that accrue from that, and I would be very interested in speaking with Natalie and David collectively to see how we can do that. I think it is underutilised at the moment and I think there is an opportunity. Perhaps that is something I could raise with Natalie now that I know it has been brought up.³⁵⁶

8.16 The Director-General went on to say, regarding the Cultural Centre, that:

it is perfectly positioned there on the route to the arboretum, which is an iconic part of Canberra and the nation, arguably ... [and] ... it is well positioned to be able to increase the visitation.³⁵⁷

8.17 The Director-General told the Elected Body that an additional bus for the service had implications for the Bush Farm:

One of the other issues about the additional bus was always the challenge with the bush healing farm and the service to that. This will provide us with the additional flexibility to do that through the dial-a-service.

350 Mr Ian Corey, ATSIIEB, Transcript of Evidence, 04-12-14, p.124.

351 Mr Ian Corey, ATSIIEB, Transcript of Evidence, 04-12-14, p.124.

352 Mr Ian Corey, ATSIIEB, Transcript of Evidence, 04-12-14, p.124.

353 Mr Ian Corey, ATSIIEB, Transcript of Evidence, 04-12-14, p.124.

354 Mr Ian Corey, ATSIIEB, Transcript of Evidence, 04-12-14, p.124.

355 Ms Jo Chivers, ATSIIEB, Transcript of Evidence, 04-12-14, p.123.

356 Mr Gary Byles, ATSIIEB, Transcript of Evidence, 04-12-14, p.123.

357 Mr Gary Byles, ATSIIEB, Transcript of Evidence, 04-12-14, p.123.



I realise that is not precisely on call like a normal bus route but it is the next best thing. So that allows us to service the healing farm as well.³⁵⁸

- 8.18 At this point the Director-General and the Operations Manager, Flexible Transport Service, indicated that there was a telephone booking service which supported both the flexible transport and the Indigenous community bus. The Operations Manager indicated that the coverage of the booking service could be broadened so as to embrace bookings for the healing centre and the cultural centre.³⁵⁹

Capture data on interactions with Aboriginal and Torres Strait Islander people

Written responses

- 8.19 The Directorate's written response to the Elected Body's second generic question was as follows.

Public Transport

The community bus program is delivered through the Community Transport Coordination Centre. Clients contact the centre on 6205 3555 and book transport that meets their needs. Records of the transport are made and the driver is provided with a daily running sheet of pickups and destinations.

Some of the groups that have been informed about, or have used the community bus program include:

- Ngunnawal Elders Group
- ACTCOSS
- Boomunalla Football Club
- Shadows Basketball Club
- Southern Medicare Local (Queanbeyan and Canberra)
- Winnunga Nimmitijah Aboriginal Health Service (Men's Group)
- Burrinju Aboriginal Art
- Bimberi Youth Detention
- Alexander Maconochie Centre
- Jullergung Murrin Men's Group
- Gugan Gulwan Aboriginal Youth Centre
- Northside Community Service
- Care and Protection
- West Belconnen Child and Family Centre
- Gungahlin Child and Family Centre
- Thunderstone—Aboriginal Cultural and Land Management Services
- Woden Youth Centre.

ACT Parks and Conservation Service (PCS)

PCS doesn't currently keep formal data on our interactions with Aboriginal and Torres Strait Islander people, other than contact details of those engaged in delivering and participating in activities such as the Mullangari Youth Ranger Program, Namadgi Rock Art Working Groups, and Murumbung Yurung Murra Cultural Tours.³⁶⁰

358 Mr Gary Byles, ATSIIEB, Transcript of Evidence, 04-12-14, p.125.

359 Mr Gary Byles, Mr Ian Corey, ATSIIEB, Transcript of Evidence, 04-12-14, p.125.

360 Territory and Municipal Directorate, Response to ATSIIEB generic questions 2014, pp.2-3.



Hearings

- 8.20 Special public transport arrangements for the Aboriginal and Torres Strait Islander community were considered in relation to the Elected Body's second generic question, above.
- 8.21 Data capture from interactions between Aboriginal and Torres Strait Islander people and the Directorate was not discussed in any detail in hearings of 4 December 2014.

Promote Aboriginal and Torres Strait Islander employment

Written responses

- 8.22 The Directorate's written response to the Elected Body's third generic question was as follows.

How do you promote Aboriginal and Torres Strait Islander employment in your Directorate?

Aboriginal and Torres Strait Islander people are encouraged to apply for advertised positions. Advertisements for positions have on occasion been distributed to the Indigenous student support units at tertiary institutions.

The PCS Partnerships Coordinator Indigenous Program actively promotes short term and long term vacancies within PCS through the Aboriginal and Torres Strait Islander email and social media networks, and the Aboriginal and Torres Strait Islander recruitment agency Habitat Personnel.

a What are the current Aboriginal and Torres Strait Islander levels in your Directorate?

The total number of staff who identified as Aboriginal or Torres Strait Islander in TAMS is currently 34 (Headcount @22 October 2014). This represents 1.7 per cent of the TAMS workforce. Since 2011–12, the number of TAMS employees who identify as an Aboriginal or Torres Strait Islander has increased 79 per cent, from 15 staff (1.0 per cent of the workforce) in 2011–12.

b Of those levels how many Aboriginal and Torres Strait Islander people hold senior levels within your Directorate?

Based on classification levels in the payroll system, 'one Aboriginal and Torres Strait Islander employees hold a position that may have supervisory/management responsibilities.

c How does your Directorate support your Aboriginal and Torres Strait Islander staff, such as Leadership, Training and Development and Mentoring?

Organisational culture

TAMS is committed to building a positive and inclusive workplace culture through active promotion of the ACT Public Service RED Framework. This includes:

- delivery of training for all staff in Respect Equity and Diversity (RED) and Code of Conduct
- delivery of Aboriginal and Torres Strait Islander Cultural Awareness training for managers participating in the Manager Development Program
- delivery of Aboriginal and Torres Strait Islander Cultural Awareness training for staff
- promoting and celebrating diversity in line with the ACTPS Employment Strategy for Aboriginal and Torres Strait Islander people through events such as NAIDOC Week and National Reconciliation Week.



Training and Development

TAMS provides training that is available to all employees and is advertised through a variety of mechanisms. TAMS also provides training for specific roles (e.g. manager training or specific skills training) which is open to employees that meet relevant requirements. This includes the TAMS Manager Development Program. ACTPS Performance Management plans include learning and development activities and provide an opportunity for career planning for all employees.

Aboriginal and Torres Strait Islander Liaison Officers

The primary function of this role is to support Aboriginal and Torres Strait Islander staff within TAMS through mentoring, assisting with communication on relevant issues and building a support network for Aboriginal and Torres Strait Islander staff.

Murumbung Yurung Murra

This group within PCS is an active cross-Directorate forum of Aboriginal and Torres Strait Islander staff working in land management and heritage. The group provides peer support and mentoring, consults with Traditional Custodians on heritage and conservation management issues, develops cultural interpretative programs for the wider community, and initiates projects to assist the local Indigenous community with access to parks.

Mentoring Australia's Apprentices Program (MAAP)

TAMS has formed a partnership with MAAP. MAAP is a national project funded by the Department of Industry that matches young apprentices with experienced, trained mentors from either within the workplace or from the broader community. The aim of the program is to increase workplace participation, strengthen retention rates and to support and raise apprenticeship completions. All TAMS apprentices have the opportunity to participate in this program.³⁶¹

Hearings

8.23 In hearings of 4 December 2014 the Elected Body discussed efforts by the Directorate to meet targets for the employment of Aboriginal and Torres Strait Islander people within the Directorate.³⁶²

8.24 In response to questions about the Directorate's Reconciliation Action Plan, then in-development, the Executive Director, Directorate Services, told the Elected Body that:

the third element of our plan is that we are going to further encourage engagement with staff: continuing to work on the employment opportunities that we have, for example, and making sure that we engage closely with those employment agencies who specifically assist us in getting Aboriginal and Torres Strait Islander people into our workforce.³⁶³

8.25 The Director-General also responded to the question. He told the Elected Body that:

Dare I say that in terms of our employment numbers we have had an increase in the last year and we have been progressively increasing our Aboriginal and Torres Strait Islander staff, progressively year after year, and this is identified staff. We currently run, I think, at 19 November, 32 staff at 1.7 per cent, from memory. That is an increase from last year.

361 Territory and Municipal Directorate, Response to ATSIEB generic questions 2014, pp.3–4.

362 ATSIEB, Transcript of Evidence, 04-12-14, p.127.

363 Mr Kim Smith, ATSIEB, Transcript of Evidence, 04-12-14, p.127.



We are aware of the targets that we have to achieve for 2015. We are keen to achieve those targets and we will keep trying in all areas. For instance, we recently had a bus recruiting drive. I think of the 315 applications there were three, from memory, identified Aboriginal and Torres Strait Islander personnel, one of whom was a woman who is now driving one of our buses. So that was a very good outcome.³⁶⁴

8.26 The Director-General then went on to speak about the relationship between recruiting and retention:

Having said that, though, I think that it is not so much the recruiting; it is the retention and succession planning. I think it is absolutely key to keep in mind that we have this as part of the action plan — a sub-plan you may want to call it — in terms of, firstly, getting good staff and training them to the required competency level and then retaining them.³⁶⁵

8.27 Nevertheless, he suggested, 'success' in this quarter did not necessarily only mean retention:

Having said that, there is this debate about retention, and I am fence sitting a bit. We will do what we can to retain but, if some of our Aboriginal staff go off to better employment opportunities, they leave TAMS as good ambassadors, having had, hopefully, a springboard to their career. So that is why I say 'fence sitting'. I do not want to lose them, but if they go on to better things then I am terribly pleased.³⁶⁶

8.28 At another point in hearings the Elected Body asked questions regarding the seniority of Aboriginal and Torres Strait Islander staff in the Directorate. In response, the Director-General undertook to provide more information on notice, and this was subsequently provided.³⁶⁷

8.29 The Executive Director, Directorate Services, also responded to the question. He told the Elected Body that:

My understanding is that the most senior person in that 11 that we have identified is a senior officer grade C. I will confirm that and I will provide that information back.³⁶⁸

8.30 The Executive Director also made comment on conditions particular to the Directorate that were likely to influence information on seniority:

TAMS is a very operational organisation. When you look at the grade profile that we have compared to some of the other Directorates, our supervisory management grades are quite low in comparison. So there can be an interpretation that, because we have people in a lower grade, they are not managing the full gamut of leadership responsibilities. They absolutely are in TAMS. Some of those responsibilities can be quite extensive too because they will lead to front-line service delivery.³⁶⁹

364 Mr Gary Byles, ATSIIEB, Transcript of Evidence, 04-12-14, p.128.

365 Mr Gary Byles, ATSIIEB, Transcript of Evidence, 04-12-14, p.128.

366 Mr Gary Byles, ATSIIEB, Transcript of Evidence, 04-12-14, p.128.

367 Mr Gary Byles, ATSIIEB, Transcript of Evidence, 04-12-14, p.130 and see response to QToN No.17, as listed in Appendix C.

368 Mr Kim Smith, ATSIIEB, Transcript of Evidence, 04-12-14, p.130.

369 Mr Kim Smith, ATSIIEB, Transcript of Evidence, 04-12-14, p.130.



Consult when developing programs and services

Written responses

8.31 The Directorate's written response to the Elected Body's fourth generic question was as follows.

ACT Parks and Conservation Service (PCS)

Murumbung Yurung Murra (Ngunnawal for Good, Strong, Pathways) is a forum managed by PCS for Aboriginal and Torres Strait Islander people working in the ACT Government within the fields of land management, heritage and cultural interpretation. As a group, Murumbung Yurung Murra seeks to consult with local Traditional Custodians and other members of the Aboriginal and Torres Strait community through informal and formal means to inform them on their cultural publications of their work. They also participate in several community events each year including the Heritage Festival, Tidbinbilla Extravaganza, Reconciliation Week and NAIDOC, led monthly walks and talks as part of the Explore Program and run activities for schools, community groups and organisations. The Aboriginal staff in PCS are becoming more commonly known and prefer to identify themselves as the Murumbung Rangers.

PCS has established the Namadgi Rock Art Working Group who meet biannually to implement a monitoring program as part of the Conservation Management Plan for several rock art sites in Namadgi National Park. The group consists of representatives from the four ACT Heritage Registered Aboriginal Organisations (RAOS), United Ngunnawal Elders Council, Murumbung Yurung Murra and Namadgi Park staff.

PCS staff engages regularly with members of the United Ngunnawal Council, Aboriginal Registered Organisations (RAOS) as part of their ongoing community consultation and heritage legislative requirements.

PCS also facilitates local Traditional Custodial representation on the Australian Alps Traditional Owners Reference Group through the United Ngunnawal Elders Council and PCS Aboriginal staff.

Libraries ACT

Libraries ACT has begun the process of establishing an informal Aboriginal and Torres Strait Islander reference group to participate in the development of library services, programs and collections. This was suggested by Ms Diane Collins and we appreciate her input thus far.

Members and supporters of the community are beginning to think of the library as a place for conducting business, their own cultural expression and a place where connections and sharing knowledge with the wider community can occur:

- a health worker is using Tuggeranong branch for group meetings, to conduct business and also encourage members to think of the library as a resource
- ATSIEB has used Woden branch and the ACT Heritage Library for meetings
- Yurauna Cultural Arts Programs students exhibit their work regularly in either Civic public library or the ACT Heritage Library
- 'I Do Have a Belief: Kevin Gilbert, 1933–93' was curated by Ellie Gilbert and hung in Civic Library as a major part of Libraries ACT'S contribution to the centenary — during this exhibition, UsMobwriting launched their 2013 publication, 'By Close of Business' at the Civic Library, and held a lunchtime reading
- 'People are Legends; Kevin Gilbert 1933–93' hung in the ACT Heritage Library for most of 2014.



In 2014, Libraries ACT has run programs designed by library staff and community members, including:

- International Mother Language Day story-time at Woden was a multilingual session with an Italian staff member, a New Zealander who can speak some Maori and Mr Masepah Banu—this session was educational and hugely entertaining
- Indigenous Literacy Day story-times in all branches were presented by Aboriginal people, in response to a challenge to do so by Mr Rod Little in 2013. The initial challenge was for the story-times to be in language but this was not possible this year
- Libraries ACT is seeking a model for recording digital stories about the 1967 Referendum. Community members have had input into ideas so far.³⁷⁰

Hearings

8.32 Consultation with Aboriginal and Torres Strait Islander people was discussed in hearings of 4 December 2015 when the Elected Body asked questions regarding a Reconciliation Action Plan (RAP) for the Directorate.³⁷¹

8.33 The Executive Director, Directorate Services, told the Elected Body that:

We started off, I guess, a little bit like a bull at a gate. We decided, 'Right, we are going to grab somebody else's; we are going to use that'. We pretty quickly came to the realisation that the type of engagement that TAMS has tends to be more social inclusion, community engagement activities. By definition that means that we are dependent on our own staff, especially the front office staff, to be well versed in cultural issues that relate to both the Aboriginal community and those staff members on our teams who have Aboriginal heritage.³⁷²

8.34 He went on to say that:

The other element was that we wanted to gather up all the programs that currently happen in TAMS that go to community engagement and social inclusion. TAMS is quite active in that space, as you can imagine. We just heard about the transport, for example, the work that Parks does, the work that Libraries does. It leads us quite strongly down that path. So in the reconciliation action plan what we hope to do is to weave those into a number of streams and programs so that we can measure success, measure engagement, and from that point develop a more fulsome action plan.³⁷³

Increase Aboriginal and Torres Strait Islander economic participation

Written responses

8.35 The Directorate's written response to the Elected Body's fifth generic question was as follows.

In 2013 PCS developed the Murumbung Yurung Murra Cultural Tours which was a new program of guided activities and cultural appreciation sessions led by the PCS Murumbung Yurung Murra Rangers. Conducted at various parks and reserves throughout the ACT the tours showcased the cultural landscape of the region to the general public, school groups, conferences, government departments, private organisations and Indigenous groups. 55 tours were conducted between January–December 2013 and 1,500 people attended. The program raised the profile and the continuing connection of Traditional

³⁷⁰ Territory and Municipal Directorate, Response to ATSIEB generic questions 2014, pp.7–9.

³⁷¹ ATSIEB, Transcript of Evidence, 04-12-14, p.126 ff.

³⁷² Mr Kim Smith, ATSIEB, Transcript of Evidence, 04-12-14, pp.126–27.

³⁷³ Mr Kim Smith, ATSIEB, Transcript of Evidence, 04-12-14, p.127.



Custodians to this area considerably. TAVIS donated an end of lease ACTION bus to PCS to support the development of the Murumbung Yurung Murra Cultural Tours and other Indigenous engagement projects. The resourcing, booking system and marketing profile of these tours are currently being reviewed and a new program will be launched in 2015.

PCS will continue to recruit and engage more Aboriginal and Torres Strait Island people in delivering their programs. In 2012–13 PCS engaged an Aboriginal Trainee through the Whole-of-Government Aboriginal and Torres Strait Islander Traineeship administered by the Community Services Directorate and will continue to do so again in the future. PCS also engages in contracts with Aboriginal business whenever such as at the annual Tidbinbilla Extravaganza and other events, and pays Traditional Custodians to conduct archaeological surveys and other activities including welcome to Country speeches on an ongoing basis. Further training and employment opportunities for Aboriginal and Torres Strait Islander people will arise within the tourism field as the result of the successful Murumbung Yurung Murra Cultural Tours. In addition, both the Namadgi and Tidbinbilla Visitor Information Centres sell products made by local Aboriginal people.³⁷⁴

Hearings

- 8.36 In hearings of 4 December 2014, matters relevant to the Elected Body's fifth generic question were raised in connection with questions and answers relevant to the Elected Body's third generic question, considered above.

Elected Body engage with Directorate

Written responses

- 8.37 The Directorate's written response to the Elected Body's sixth generic question was as follows.

Libraries ACT looks forward to working with the Aboriginal and Torres Strait Islander Reference Group and would welcome participation from interested members of the Elected Body and the United Ngunnawal Elders Council in that group. It is anticipated that areas of work will include collection development, program and service development, special projects as well as member and community interests.

Members of the Elected Body have participated in library programming to date. Libraries ACT would appreciate their continuing involvement, both as presenters and in identifying community members who would also be interested in participating. Participation has centred around children's programming but this in future could be expanded to activities with other age and interest groups.

Members of the Elected Body have advocated for Libraries ACT, e.g. Mr Little's ambassadorship during the 2012 National Year of Reading. Libraries ACT would appreciate continuing support of this nature and would like to discuss how this might be developed.

Meeting regularly with the Aboriginal and Torres Strait Islander staff; a Murumbung Yurung Murra Cultural Tour is also being organised for the Elected Body in early 2015.³⁷⁵

Hearings

- 8.38 The proposal for a Murumbung Yurung Murra Cultural Tour for the Elected Body, and the work of Libraries ACT, were referred to in hearings of 4 December 2014.³⁷⁶

374 Territory and Municipal Directorate, Response to ATSIEB generic questions 2014, pp.9–10.

375 Territory and Municipal Directorate, Response to ATSIEB generic questions 2014, p.10.

376 ATSIEB, Transcript of Evidence, 04-12-14, pp.121–22, 131.



Questions Taken on Notice

- 8.39 In addition to the written responses and witness testimony considered above, a further Question Taken on Notice was asked and answered regarding:
- further detail on the classification of TAMS staff who identify as Aboriginal or Torres Strait Islander
 - fees charged for the use of the Green Room at the Arboretum for the Ngunnawal Traditional Weaving Workshops held on 13 and 14 September 2014.³⁷⁷

Elected Body comment

First generic question

- 8.40 The Elected Body notes the Directorate's written response to its first generic question.³⁷⁸
- 8.41 In hearings, the Elected Body was pleased to hear of the work of both the flexible transport and the Indigenous community bus services,³⁷⁹ particularly in view of the importance of affordable transport by the ACT Aboriginal and Torres Strait Islander community.³⁸⁰
- 8.42 The Elected Body notes opportunities, discussed in hearings, to improve public transport links to the Aboriginal and Torres Strait Islander Cultural Centre at Yarramundi Reach, particularly in view of the close proximity of the National Arboretum.
- 8.43 In light of this, the Elected Body makes the following recommendation.

RECOMMENDATION 15

- 8.44 **The Elected Body recommends that the Territory and Municipal Services Directorate improve public transport links to the ACT Aboriginal and Torres Strait Islander Cultural Centre and that the Cultural Centre be added as a destination on services to the National Arboretum.**

Second generic question

- 8.45 The Elected Body notes the Directorate's written response to its second generic question.³⁸¹
- 8.46 The Elected Body was pleased to hear, in hearings, of a holistic approach to employing Aboriginal and Torres Strait Islander staff in the Directorate, which attended not only to recruiting, but also to training and retention.³⁸²
- 8.47 In the view of the Elected Body, this was a good approach which would serve as a useful model across the ACT public sector.
- 8.48 It was also notable that the Directorate were, in hearings, willing to quote a figure for Aboriginal and Torres Strait Islander staff as a percentage of the Directorate's total establishment, which was not readily forthcoming in every case in this hearings process.³⁸³

377 See Appendix C, *Summary of responses to Questions Taken on Notice and Questions on Notice*, Nos.17–18 inclusive.

378 Territory and Municipal Directorate, Response to ATSIEB generic questions 2014, pp.1–2.

379 ATSIEB, Transcript of Evidence, 04-12-14, pp.123–25.

380 See Ms Maureen Sheehan, ATSIEB, Transcript of Evidence, 03-12-14, p.44.

381 Territory and Municipal Directorate, Response to ATSIEB generic questions 2014, pp.3–4.

382 Mr Gary Byles, ATSIEB, Transcript of Evidence, 04-12-14, p.128.

383 Mr Gary Byles, ATSIEB, Transcript of Evidence, 04-12-14, p.128.

Third generic question

- 8.49 The Elected Body notes the Directorate's written response to its third generic question.³⁸⁴
- 8.50 The Elected Body notes representations made in hearings to the effect that a Reconciliation Action Plan for the Directorate would need to be closely tailored to the unique and specific needs of the Directorate.
- 8.51 However the Elected Body also took the view that the Directorate should move toward finalising a Reconciliation Action Plan expeditiously, in view of progress in other Directorates. In short, this indicates that there is now an expectation on ACT public sector Directorates to have a Reconciliation Action Plan in place, and if the Directorate does not conform to this then it weakens the convention.
- 8.52 The Elected Body notes that the Directorate's 2014–15 annual report—the most recent annual report available at time of writing—the Directorate still appeared to be in the throes of preparing for a Reconciliation Action Plan.³⁸⁵
- 8.53 In light of this the Elected Body makes the following recommendation.

RECOMMENDATION 16

- 8.54 **The Elected Body recommends that the Territory and Municipal Services Directorate outline a timeline for, and work expeditiously toward, formulating and adopting a Reconciliation Action Plan for the Directorate before the end of the 2015–16 reporting period.**

Fourth generic question

- 8.55 The Elected Body notes the Directorate's written response to its fourth generic question.³⁸⁶
- 8.56 The Elected Body notes that matters relevant to the Elected Body's fourth generic question were raised in connection with questions and answers relevant to the Elected Body's third generic question, considered above.

Fifth generic question

- 8.57 The Elected Body notes the Directorate's written response to its fifth generic question.³⁸⁷
- 8.58 The Elected Body notes that matters relevant to the Elected Body's fifth generic question were also raised in connection with questions and answers relevant to the Elected Body's third generic question, considered above.

Sixth generic question

- 8.59 The Elected Body notes the Directorate's written response to its sixth generic question.
- 8.60 The Elected Body notes that a proposal for a Murumbung Yurung Murra Cultural Tour for the Elected Body, and the work of Libraries ACT, were referred to in hearings.³⁸⁸

384 Territory and Municipal Directorate, Response to ATSIEB generic questions 2014, pp.7–9.

385 Territory and Municipal Directorate, *Annual Report 2014–15*, Volume 1, p.69, available at: www.tams.act.gov.au/__data/assets/pdf_file/0004/782311/TAMS-Annual-Report_Volume-1_WEB_Part1.pdf

386 Territory and Municipal Directorate, Response to ATSIEB generic questions 2014, pp.9–10.

387 Territory and Municipal Directorate, Response to ATSIEB generic questions 2014, p.10.

388 ATSIEB, Transcript of Evidence, 04-12-14, pp.121–22, 131.

9 HEALTH DIRECTORATE



Introduction

- 9.1 Witnesses from the Health Directorate appeared before the Elected Body in hearings of 4 December 2014.
- 9.2 As for previous chapters, these are considered below in sections which correspond to generic questions provided by the Elected Body to ACT Government Directorates.

Improve the lives of Aboriginal and Torres Strait Islander people

Written responses

- 9.3 The Directorate's written response to the Elected Body's first generic question was as follows.

ACT Health is committed to Closing the Gap in Aboriginal and Torres Strait Islander life expectancy and provides financial and other support through community service providers to deliver a range of specific health programs and services to Aboriginal and Torres Strait Islander people in the ACT and surrounding region.

ACT Health also has contracted arrangements to provide employees and regional health services to Aboriginal and Torres Strait Islander people within the ACT and surrounds. There are also two staff who are out posted to two Aboriginal and Torres Strait Islander community organisations.

ACT Health and ACT Government have a number of established partnerships with Aboriginal and Torres Strait Islander organisations including:

- Winnunga Nimmityjah Aboriginal Health Service
- Gugan Gulwan Youth Aboriginal Corporation
- ACT Aboriginal and Torres Strait Islander Elected Body
- Targeted Primary Health programs
- Indigenous Allied Health Australia (IAHA)—Corporate membership will be renewed annually through the Chief Allied Health Office.

ACT Government funded programs and services for the Aboriginal and Torres Strait Islander community have not been impacted by the federal budget cuts.³⁸⁹

Hearings

- 9.4 In hearings of 4 December 2014 the Elected Body asked questions regarding a methadone (that is, opiate replacement) program at the Alexander Maconochie Centre (AMC).³⁹⁰

³⁸⁹ Health Directorate, Response to ATSIEB generic questions 2014, (unpaginated).

³⁹⁰ ATSIEB, Transcript of Evidence, 04-12-14, p.132.



- 9.5 In response to questions about the number of Aboriginal and Torres Strait Islander people at the AMC involved in this program, the Executive Director, Mental Health, Justice Health, Alcohol and Drug Services, told the Elected Body that:

Regarding the methadone or the opiate replacement program at the AMC, at any one point in time we have about 33 per cent of the detainees at AMC on the methadone program, and that has been fairly consistent since we commissioned the prison.³⁹¹

- 9.6 This, she told the Elected Body, was the 'total population' of people involved in the program. She took the question of exact figures on Aboriginal and Torres Strait Islander clients of the program as a Question Taken on Notice, which was subsequently answered by the Directorate.³⁹²

- 9.7 The Executive Director went on to tell the Elected Body that:

We try to have a community equivalent program in the prison for people on opiate replacement or for people with addictions. There are some medications that are prescribed in the community that, just because of the ability to be diverted within the prison, we do not prescribe in the prison, and so for some of those people methadone is an appropriate alternative. They are prescribed through pain clinics as well as our addiction issues.³⁹³

- 9.8 She told the Elected Body that:

The other thing that we have an opportunity to do when people enter detention is to stabilise what might have been an otherwise untreated addiction in the community. When we look at the number of people on methadone when they enter the prison, the proportion is much less than the number of people actively involved in the methadone program once they have had contact with our staff. And a lot of that is actually about stabilising people's addiction and supporting them to be stable within a prison environment.³⁹⁴

- 9.9 Asked about programs for which Corrective Services, on one hand, and ACT Health, on the other, were responsible the Executive Director told the Elected Body that:

Solaris is actually provided through Corrections. They fund it and manage it, so ACT Corrective Services are the people to talk to about the outcomes of that program.³⁹⁵

- 9.10 Speaking about the specific role of ACT Health, she told the Elected Body that:

We, through the health service, have a clinical assessment of people's addiction based on the information that they provide and their clinical presentation, and then the medical staff have a conversation with the person around withdrawing their opiate use, which might have been illicit in the community. So when they enter into detention we can do withdrawal programs—the support of medicated withdrawal, in prison. Not many people choose that; some people choose to just go cold and withdraw.³⁹⁶

- 9.11 She went on to tell the Elected Body that:

The alternative is to be part of a therapeutic program. As I am sure you are aware, the methadone and opiate replacement programs are harm minimisation programs. They are not abstinence programs, they are not withdrawal necessarily, but if the person does want to withdraw or reduce their opiate intake, the clinical staff, both the nursing and the medical staff, are very supportive of gently bringing somebody down off the level of opiate replacement that they are on.³⁹⁷

391 Ms K Bracher, ATSIIEB, Transcript of Evidence, 04-12-14, p.132.

392 Ms K Bracher, ATSIIEB, Transcript of Evidence, 04-12-14, p.132, and see answer to QToN No.19 as listed in Appendix C, below.

393 Ms K Bracher, ATSIIEB, Transcript of Evidence, 04-12-14, pp.132–33.

394 Ms K Bracher, ATSIIEB, Transcript of Evidence, 04-12-14, p.133.

395 Ms K Bracher, ATSIIEB, Transcript of Evidence, 04-12-14, p.133.

396 Ms K Bracher, ATSIIEB, Transcript of Evidence, 04-12-14, p.133.

397 Ms K Bracher, ATSIIEB, Transcript of Evidence, 04-12-14, p.133.



9.12 The Elected Body also asked about the role of the Winnunga Nimmityjah Aboriginal Health Service in these matters.³⁹⁸

9.13 In responding to the question the Executive Director told the Elected Body:

We have a close relationship with the clinical staff from Winnunga. Some of the clinical staff and medical staff do clinics within the Hume Health Centre. The Aboriginal people in the prison can just go to see the GP from Winnunga. That is around all the health care, not only the opiate replacement. The Aboriginal people can see our other clinical staff as part of ACT Health Directorate as well. The discharge planning is the other component of that. We do discharge summaries back to Winnunga and try and reconnect people with their pre-incarceration health service, and if that is Winnunga then that is who our staff would work with.³⁹⁹

Capture data on interactions with Aboriginal and Torres Strait Islander people

Written responses

9.14 The Directorate's written response to the Elected Body's second generic question was as follows.

ACT Health collects a range of data relating to Aboriginal and Torres Strait Islander clients and patients. Hospital Admission Forms and Pathology Forms have an Aboriginal and Torres Strait Islander identifier and all clients and patients are asked the question, 'Are you Aboriginal or Torres Strait Islander?'

In addition, ACT Health keeps the following information:

- a** Staff who identify as Aboriginal and Torres Strait Islander employment and retention rates
- b** Minutes from meetings of:
 - ACT Health Reconciliation Action Plan 2015–2018 Working Group
 - ACT Health Aboriginal and Torres Strait Islander Workforce and Reconciliation Action Plan Collaboration Committee
- c** The Employment Inclusion Manager is also in regular contact with Indigenous Employment providers regarding Employment and positions that are available.
 - i** The Employment Inclusion Manager is also involved with local schools regarding traineeships and future recruitments.

The small population of Aboriginal and Torres Strait Islander people in the ACT limits the extent to which statistics can be reported without compromising confidentiality of individuals and the extent to which reliable rates can be calculated.

The ACT Chief Health Officer reports biennially on the health and wellbeing of the ACT population, which includes Aboriginal and Torres Strait Islander data relating to, lifestyle risk factors, tobacco use, alcohol use, illicit substance use, kidney disease, health services, hospital service use, and maternal and perinatal health.⁴⁰⁰

398 ATSIIEB, Transcript of Evidence, 04-12-14, p.133.

399 Ms K Bracher, ATSIIEB, Transcript of Evidence, 04-12-14, p.133.

400 Health Directorate, Response to ATSIIEB generic questions 2014, (unpaginated).



Hearings

9.15 In hearings of 4 December 2014 the Elected Body asked questions regarding reporting and data from the Directorate's programs for Aboriginal and Torres Strait Islander people.⁴⁰¹

9.16 In responding to questions about data regarding the methadone program at the AMC, and data from other programs, the Director, Policy and Government Relations, told the Elected Body that it was:

Similar, in the sense that there is data about occasions of service [that is] the number of women who are seen by the midwifery staff at the hospital. There have been evaluation studies in the past that have reported. Where there is concern—and some of the concerns that I have mentioned are low birth weight babies and smoking in pregnancy—we try to take a partnership approach and try and join up what is happening at the hospital, what is happening in the community, what is happening through organisations like Winnunga and see how we can be effective. We do rely on data like the Chief Health Officer's report to tell us what is actually happening in the community and whether our programs are being effective in response to that.⁴⁰²

9.17 He went on to tell the Elected Body that:

The smoking in pregnancy issue is a tough one. It is an intractable kind of problem at the moment. Everyone is making sincere efforts, but we are not being effective and, without wanting to stigmatise those women, we are struggling for what the right strategies are. So we have actually engaged at the moment a researcher, a person who comes from the centre of excellence in tobacco cessation from Monash University. They were defunded from the Commonwealth in the last budget. We have picked her up. She is working out of the Alcohol Tobacco and Other Drug Association. She is doing a particular study for us on what evidence there is for effective interventions for smoking in pregnancy and we are trying to mount a partnership approach towards that.⁴⁰³

9.18 The Director-General also responded. She told the Elected Body that:

We are looking particularly at the services that we deliver within ACT Health, but not exclusively. One of the points that we have been discussing over the last couple of meetings has been about how we better inform ourselves about the evidence that we do know—the epidemiology, the reports that come out—looking at the activity that we undertake, how can we actually better target where we should be putting our efforts and our investment, and then looking at how we can better measure that.

So it is an area that we are actively thinking about. We have not quite got all the answers yet. It is not always easy to measure outcomes, because sometimes they are longer term outcomes, but we are certainly starting to think about how we can better do that.⁴⁰⁴

401 ATSIEB, Transcript of Evidence, 04-12-14, p.136.

402 Mr R O'Donoghue, ATSIEB, Transcript of Evidence, 04-12-14, p.136.

403 Mr R O'Donoghue, ATSIEB, Transcript of Evidence, 04-12-14, p.137.

404 Dr Peggy Brown, ATSIEB, Transcript of Evidence, 04-12-14, p.137.



Promote Aboriginal and Torres Strait Islander employment

Written responses

9.19 The Directorate's written response to the Elected Body's third generic question was as follows.

Aboriginal and Torres Strait Islander employment is promoted through the strategies which have been documented in the ACT Health workforce plan 2013–18 and the compendium document—ACT Health—Aboriginal and Torres Strait Islander Health workforce Action Plan 2013–18.

a What are the current Aboriginal and Torres Strait Islander levels in your Directorate?

As at 24 September 2014, ACT Health employed 71 Aboriginal and Torres Strait Islander employees who chose to identify. This number includes 31 administration staff, 13 health professional employees, two dental staff, three general employees and 22 nurses and midwives. The employee group makes up a total of 1.4 per cent of the total ACT Health workforce and demonstrates an increase from the July 2013 when 61 employees identified as Aboriginal and Torres Strait Islander.

The retention rate of staff who identify as Aboriginal and Torres Strait Islander employees has increased since 2009:

- the one-year retention rate has increased from 71–82 per cent from 2009–14
- the two-year retention rate increased from 57–62 per cent from 2011–14
- there was a slight decrease in the three-year retention rates from 50–48 per cent from 2012–14
- the four-year retention rate decreased from 43 per cent in 2013 to 40 per cent in 2014
- the five-year retention rate is 39 per cent in 2014.

b Of those levels how many of Aboriginal and Torres Strait Islander people hold senior levels within your Directorate?

Of the 71 Aboriginal and Torres Strait Islander people employed in ACT Health, 32 are employed in senior positions at the AS06, RN 2, HPO3 and above.

c How does your Directorate support your Aboriginal and Torres Strait Islander staff, such as leadership, training and development and mentoring?

The ACT Health Aboriginal and Torres Strait Islander Health Workforce Action Plan 2013–2018, launched in July 2013, is a compendium document to the ACT Health's Workforce Plan 2013–2018, and actions are monitored and recorded by People Strategy Services Branch.

The Action Plan seeks to increase numbers of Aboriginal and Torres Strait Islander people employed, including provision of pre-employment training, on-going mentoring and support and driving career development opportunities:

- ACT Health's commitment to increasing Aboriginal and Torres Strait Islander employment through on-going mentoring and support program is under development
- ACT Health provides sponsorship of the IAHA 2014 National Forum, in Canberra, to support and mentor the professional development of Indigenous allied health professionals and students
- ACT Health's commitment to develop the workforce plan seeks to increase the numbers of Aboriginal and Torres Strait Islander people employed in the workforce, including the provision of pre employment training opportunities
- ACT Health's Employment Inclusion Manager assists with recognising, achieving and celebrating the commitments that ACT Health has made regarding employment of Aboriginal and Torres Strait Islander People as well as People with a Disability



- the Employment Inclusion Manager role coordinates ACT Health's engagement with employment agencies and programs for prospective staff who are Aboriginal and Torres Strait Islander. The Employment Inclusion Manager role also provides support, assistance and mentoring to Managers and Staff during and after the Inclusion recruitment or selection process.⁴⁰⁵

Hearings

- 9.20 In hearings of 4 December 2014 the Elected Body asked questions as to whether tender documentation for the Ngunnawal Bush Healing Farm placed on obligation on the successful contractor to employ Aboriginal and Torres Strait Islander staff.⁴⁰⁶
- 9.21 In responding, the Deputy Director-General told the Elected Body that:
- In the tender documentation that is currently out there for the tenderers, part of the selection criteria clearly asks for their proposals in regard to the employment of Indigenous people in the actual construction of the project.⁴⁰⁷
- 9.22 He went on to say that this was 'something that we will be looking at when the tenders are coming in', and was 'part of evaluating a tender to see how it comes up to scratch'.⁴⁰⁸
- 9.23 The Director, Policy and Government Relations, also responded, telling the Elected Body that the Directorate would:
- take the same approach with the tender procurement process for the non-government provider. It will require them to demonstrate how they are going to engage Aboriginal people in employment. We are hoping to give a sufficient lead-up time for that provider to get up to speed to also enable a quite extensive training program for Aboriginal people to join the drug and alcohol workforce. By the time we get to the open door there will be a cohort of trained Aboriginal drug and alcohol workers ready to come on board.⁴⁰⁹

Consult when developing programs and services

Written responses

- 9.24 The Directorate's written response to the Elected Body's fourth generic question was as follows.

Aboriginal and Torres Strait Islander policy direction is informed by national health reforms as well as national Aboriginal and Torres Strait Islander health plans, frameworks and strategies. The Commonwealth consults widely on the development of these plans, frameworks and strategies. ACT Health also consults with the local Aboriginal and Torres Strait Islander community, but recognises the burden this places on community organisations and the broader community.

ACT Health Aboriginal and Torres Strait Islander advisory groups, reference committees and forums are established to provide guidance and direction in relation to Aboriginal and Torres Strait Islander health. Membership is determined by representation of key health and community stakeholders.

Consultation with the local Aboriginal and Torres Strait Islander community also occurs when developing programs and services that will have an impact on the lives of Aboriginal and Torres Strait Islander people. ACT Health has well established relationships with the local Aboriginal and Torres Strait Islander

⁴⁰⁵ Health Directorate, Response to ATSIIEB generic questions 2014, (unpaginated).

⁴⁰⁶ ATSIIEB, Transcript of Evidence, 04-12-14, p.143.

⁴⁰⁷ Mr P Carmody, ATSIIEB, Transcript of Evidence, 04-12-14, p.143.

⁴⁰⁸ Mr P Carmody, ATSIIEB, Transcript of Evidence, 04-12-14, p.143.

⁴⁰⁹ Mr R O'Donoghue, ATSIIEB, Transcript of Evidence, 04-12-14, p.143.



community including the Aboriginal and Torres Strait Islander Elected Body, United Ngunnawal Elders Council and Winnunga Nimmityjah Aboriginal Health Service.

Representation from the Aboriginal and Torres Strait Islander Elected Body, United Ngunnawal Elders Council and Reconciliation Australia on ACT Health's Reconciliation Action Plan 2015–2018 Working Group will assist to maintain the momentum and commitment of ACT Health's Reconciliation Action Plan 2012–2015 in developing the new plan due to be launched in July 2015. We also have involvement with Employment providers to provide input into recruitment and selection processes.⁴¹⁰

Hearings

9.25 In hearings of 4 December 2014 the Elected Body asked:

was the Aboriginal and Torres Strait Islander cultural awareness skills development program within your Directorate developed in consultation with or solely by Indigenous staff ...⁴¹¹

9.26 In responding, the Director, Policy and Government Relations, told the Elected Body that:

There is currently a program that is under development. We had an earlier program that was developed in consultation with the Yurauna centre as our face-to-face provider, and then we had an e-learning program that we used to offer.

We had feedback that, from a health perspective, that was not giving health workers enough direct understanding of health issues as Aboriginal and Torres Strait Islander people would see them, so we have actually arranged for New South Wales Health's cultural awareness e-learning program to be licensed to us. We are going through a process at the moment of customising that, if you like, to make it appropriate to the territory, and we are probably just about ready to get out and consult about that one. So it is probably that product that I would suggest we should be out consulting about.

We are already starting to engage in some cultural aspects. Part of the problem is that the New South Wales material uses cultural material from New South Wales, so we want to customise that in an appropriate way to use artwork and imagery and the like suited to the territory, so it is probably the right time.⁴¹²

9.27 Asked about why it had been decided not to continue training by CIT Yurauna Centre, the Director told the Elected Body:

with the face-to-face one that CIT was providing, we were getting the same feedback: it was great from a cultural awareness point of view generally, but health workers want to understand 'so what does kidney disease in an Aboriginal context, and how do I communicate about blood pressure?'⁴¹³

9.28 It was not, he told the Elected Body, that health workers wanted a more 'clinical' approach, but rather that:

they just want to understand the different perspectives from a health point of view that would be useful for them in their work. That is what the New South Wales one does; it is very much coming from a health context, so we are hoping to customise that.⁴¹⁴

9.29 However, he said, 'we still want to partner with CIT, and we see them as one of our training providers for the bush healing farm going forward'.⁴¹⁵

410 Health Directorate, Response to ATSIEB generic questions 2014, (unpaginated).

411 ATSIEB, Transcript of Evidence, 04-12-14, p.143

412 Mr R O'Donoghue, ATSIEB, Transcript of Evidence, 04-12-14, p.144.

413 Mr R O'Donoghue, ATSIEB, Transcript of Evidence, 04-12-14, p.144.

414 Mr R O'Donoghue, ATSIEB, Transcript of Evidence, 04-12-14, p.144.

415 Mr R O'Donoghue, ATSIEB, Transcript of Evidence, 04-12-14, p.144.



Increase Aboriginal and Torres Strait Islander economic participation

Written responses

9.30 The Directorate's written response to the Elected Body's fifth generic question was as follows.

The establishment of the Aboriginal and Torres Strait Islander Alcohol and Drug Residential Rehabilitation Service provides an opportunity for enhancing engagement by participants in employment by increasing their social and vocational skills.

ACT Health also has service level agreements with Aboriginal and Torres Strait Islander businesses to provide primary health services to the local Aboriginal and Torres Strait Islander community including:

- Winnunga Nimmityjah Aboriginal Health Service
- Gugan Gulwan Youth Aboriginal Corporation.⁴¹⁶

Hearings

9.31 Actions to increase Aboriginal and Torres Strait Islander economic participation were discussed in connection with the Elected Body's third generic question, above.

9.32 The Winnunga Nimmityjah Aboriginal Health Service was discussed in relation to the Elected Body's second generic question, above.

Elected Body engage with Directorate

Written responses

9.33 The Directorate's written response to the Elected Body's sixth generic question was as follows.

The ATSIEB health portfolio member holds membership on the ACT Aboriginal and Torres Strait Islander Health Forum, ACT Health Aboriginal and Torres Strait Islander Health Coordination Group, ACT Health Suicide Prevention, Implementation and Evaluation Working Group, ACT Health Reconciliation Action Plan Working Group and meets regularly with ACT Health's Director-General.

ACT Health engagement with the current ATSIEB member and former member has worked extremely well.

The following may also assist:

- Regular update emails to all staff within ACT Health on the activities of the Aboriginal and Torres Strait Islander Elected Body.
- Availability of members of ATSIEB for selection and recruitment panels; and
- ACT Health could provide information on workforce statistics and data to ATSIEB.⁴¹⁷

Hearings

9.34 In hearings of 4 December 2014 the Director-General told the Elected Body that the Directorate welcomed 'the opportunity to continue to work in a collaborative fashion with the Elected Eody'.⁴¹⁸

9.35 She told the Elected Body that:

416 Health Directorate, Response to ATSIEB generic questions 2014, (unpaginated).

417 Health Directorate, Response to ATSIEB generic questions 2014, (unpaginated).

418 Dr Peggy Brown, ATSIEB, Transcript of Evidence, 04-12-14, p.144.



We do see the issue of Aboriginal and Torres Strait Islander health in the territory as a key issue. I have actually said that, in terms of the divisions and branches developing their business plans this year, we all need to think specifically about how we are tackling Aboriginal and Torres Strait Islander health.⁴¹⁹

9.36 The Director-General went on to say that:

At a broader level . . . we are working on our next reconciliation action plan, the 2015–18 plan. It is close to the final draft, but the really exciting thing is that there is enormous enthusiasm and engagement within the Directorate around the development of that plan.⁴²⁰

Questions Taken on Notice

9.37 In addition to the written responses and witness testimony considered above, a further Question Taken on Notice was asked and answered regarding:

- Number of Aboriginal inmates on methadone at the AMC
- Site visit to Ngunnawal Bush Healing Farm Project.⁴²¹

Elected Body comment

First generic question

9.38 The Elected Body notes the Directorate's written response to its first generic question.⁴²²

9.39 The Elected Body notes the important work undertaken by the Directorate in relation to opiate replacement and associated work to support Aboriginal and Torres Strait Islander people, including detainees at the Alexander Maconochie Centre, who suffer from substance addictions.⁴²³

9.40 The Elected Body looks forward to taking further evidence in this area in future hearings processes.

Second generic question

9.41 The Elected Body notes the Directorate's written response to its second generic question.⁴²⁴

9.42 The Elected Body notes evidence tendered by witnesses in hearings showing efforts, in areas under the responsibility of the Directorate, to reduce tobacco use in the ACT Aboriginal and Torres Strait Islander community, and commends the Directorate for its work in this critically important area.⁴²⁵

9.43 The Elected Body notes and welcomes comments by the Director-General to the effect that the Directorate was considering ways to enhance its evaluation of the effectiveness of present measures it undertakes to address this and other areas under the responsibility of the Directorate.⁴²⁶

9.44 In relation both of these topics, the Elected Body looks forward to considering them further in future hearings processes.

419 Dr Peggy Brown, ATSIIEB, Transcript of Evidence, 04-12-14, p.144.

420 Dr Peggy Brown, ATSIIEB, Transcript of Evidence, 04-12-14, p.145.

421 See Appendix C, *Summary of responses to Questions Taken on Notice and Questions on Notice*, Nos.19-20 inclusive.

422 Health Directorate, Response to ATSIIEB generic questions 2014, (unpaginated).

423 Ms K Bracher, ATSIIEB, Transcript of Evidence, 04-12-14, pp.132–33.

424 Health Directorate, Response to ATSIIEB generic questions 2014, (unpaginated).

425 Mr R O'Donoghue, ATSIIEB, Transcript of Evidence, 04-12-14, pp.136–37.

426 Dr Peggy Brown, ATSIIEB, Transcript of Evidence, 04-12-14, p.137.



Third generic question

- 9.45 The Elected Body notes the Directorate's written response to its third generic question.⁴²⁷
- 9.46 In relation to this evidence, the Elected Body notes and welcomes the detailed information provided to it by the Directorate, including a percentage figure for the proportion of Aboriginal and Torres Strait Islander staff within the Directorate's establishment, quoted at 1.4 per cent.⁴²⁸
- 9.47 The Elected Body notes the detailed information provided on retention of Aboriginal and Torres Strait Islander staff in the first, second, third, fourth and fifth year of employment, and recommends this as a model for all ACT Government agencies in their reporting on their employment of Aboriginal and Torres Strait Islander staff.
- 9.48 In light of this, the Elected Body makes the following recommendation.

RECOMMENDATION 17

- 9.49 **The Elected Body recommends that all ACT Government Directorates record, track, and publish data on the retention of Aboriginal and Torres Strait Islander employees in their first, second, third, fourth and fifth year of employment with the agency.**
- 9.50 In connection with this data, while the Elected Body is pleased to note that retention rates in the first three years of employment have improved, there appears to be a tapering-off in the fourth and fifth years which would repay further investigation.
- 9.51 In light of this, the Elected Body makes the following recommendation.

RECOMMENDATION 18

- 9.52 **The Elected Body recommends that ACT Health investigate and report on lower retention rates for Aboriginal and Torres Strait Islander staff in the fourth and fifth year of their employment with the Directorate.**
- 9.53 In hearings, the Elected Body was pleased to hear that tender documents for construction of the Ngunnawal Bush Healing Farm had placed an obligation on the successful tenderer to employ Aboriginal and Torres Strait Islander staff.⁴²⁹
- 9.54 Again, this is a model the Elected Body would like to see employed more broadly within public sector procurement in the ACT.
- 9.55 The Elected Body looks forward to considering further examples of social procurement in future hearings processes.

427 Health Directorate, Response to ATSIEB generic questions 2014, (unpaginated).

428 Health Directorate, Response to ATSIEB generic questions 2014, (unpaginated).

429 ATSIEB, Transcript of Evidence, 04-12-14, p.143.



Fourth generic question

- 9.56 The Elected Body notes the Directorate's written response to its fourth generic question.⁴³⁰
- 9.57 The Elected Body is pleased to note that from the written response it appears that the Directorate consults widely on matters relating to its areas of responsibility.
- 9.58 This is a model the Elected Body would be pleased to see adopted by other ACT Government agencies, even while allowing that the nature of the business conducted by ACT Health particularly requires, and is conducive to, both data capture and consultation in relation to the ACT Aboriginal and Torres Strait Islander community.
- 9.59 In relation to the Directorate's decision to access a NSW program on cultural awareness in place of previous arrangements for this to be delivered by CIT Yurauna Centre, the Elected Body notes, and takes interest in, the reasons stated for this change in approach.
- 9.60 The Elected Body looks forward to considering this further in future hearings processes.

Fifth generic question

- 9.61 The Elected Body notes the Directorate's written response to its fifth generic question.⁴³¹
- 9.62 The Elected Body notes and welcomes evidence tendered in the written response to the effect that the Aboriginal and Torres Strait Islander Alcohol and Drug Residential Rehabilitation Service includes programs on social and vocational skills, and that the Directorate retains Aboriginal and Torres Strait Islander businesses in order to provide primary health services to the ACT Aboriginal and Torres Strait Islander community.⁴³²
- 9.63 The Elected Body also notes that actions to increase Aboriginal and Torres Strait Islander economic participation were discussed in connection with the Elected Body's third generic question, above.

Sixth generic question

- 9.64 The Elected Body notes the Directorate's written response to its sixth generic question.⁴³³
- 9.65 In relation to evidence provided in the written response and in hearings, the Elected Body notes and welcomes positive comment on the relationship between the Elected Body and ACT Health; and statements by the Directorate as to the importance of both the health of Aboriginal and Torres Strait Islander people in the ACT and the next iteration of the Directorate's Reconciliation Action Plan, covering the years 2015–18.⁴³⁴

430 Health Directorate, Response to ATSIEB generic questions 2014, (unpaginated).

431 Health Directorate, Response to ATSIEB generic questions 2014, (unpaginated).

432 Health Directorate, Response to ATSIEB generic questions 2014, (unpaginated).

433 Health Directorate, Response to ATSIEB generic questions 2014, (unpaginated).

434 Health Directorate, Response to ATSIEB generic questions 2014, (unpaginated), Dr Peggy Brown, ATSIEB, Transcript of Evidence, 04-12-14, p.144.

APPENDIX A WITNESSES



Hearings of 3 December 2014

Chief Minister, Treasury and Economic Development Directorate:

- Ms Kathy Leigh, Director-General and Head of Service
- Mr David Nicol, Under-Treasurer
- Ms Bronwen Overton-Clarke, Acting Deputy Director-General, Workforce Capability and Governance Division
- Mr Dave Pepper, Deputy Director-General, Policy and Cabinet Division
- Mr Geoffrey Rutledge, Director, Executive Director, Strategic Policy and Cabinet
- Mr David Dawes, Director-General, Economic Directorate
- Ms Jenny Priest, Director, Sport and Recreation Services
- Mr Gary Rake, Deputy Director-General, Arts, Business, Events, Sport and Tourism Division
- Ms Laura Hartley, Senior Manager, Small Business and Skills, Innovation, Trade and Investment Branch
- Mr Jonathan Kobus, Deputy Director, VisitCanberra, Arts, Business, Events, Sport and Tourism Division

Community Services Directorate:

- Ms Natalie Howson, Director-General
- Ms Maureen Sheehan, Executive Director, Service Strategy and Community Building
- Mr David Matthews, Executive Director, Housing and Community Services ACT
- Mr Paul Wyles, Director, Early Intervention and Prevention Services
- Dr Mark Collis, Executive Director, Office for Children, Youth and Family Support
- Mr David Collett, Executive Coordinator, Public Housing Renewal, Asset Management Branch
- Ms Meredith Whitten, Disability ACT
- Ms Kerry Maguire, Senior Policy Officer, Officer for Aboriginal and Torres Strait Islander Affairs

Environment and Planning Directorate:

- Ms Dorte Ekelund, Director-General
- Mr Ben Ponton, Deputy Director-General, Planning
- Ms Heather Tomlinson, Senior Manager, Nature Conservation Policy
- Mr John Meyer, Executive Director, Construction and Client Services
- Ms Anna Gurnhill, Acting Manager, Legislation and Policy Officer, Planning and Heritage Branch

Hearings of 4 December 2014

Education and Training Directorate:

- Ms Diane Joseph, Director-General
- Mr Stephen Gniel, Deputy Director-General, Education Strategy
- Ms Beth Mitchell, Director, Student Engagement, Education Strategy
- Ms Leanne Wright, Director, Learning and Teaching, Education Strategy
- Ms Beth Craddy, Manager, Aboriginal and Torres Strait Islander Education, Student Engagement, Education Strategy
- Ms Coralie McAlister, Director, People and Performance, Organisational Integrity

Canberra Institute of Technology:

- Dr Nicole Stenlake, Executive Director
- Ms Caroline Hughes, Director
- Mr Shane Kay, Acting Chief Executive Officer

Justice and Community Safety Directorate:

- Ms Alison Playford, Director-General
- Dr Karl Alderson, Deputy Director-General (Justice)
- Ms Moira Crowhurst, Acting Deputy Director-General (Community Safety)
- Mr Don Taylor, General Manager, Custodial Operations, Alexander Maconochie Centre, ACT Corrective Services
- Mr Jeremy Boland, Senior Manager, Workforce Development and Training, ACT Corrective Services
- Mr Anthony Malone, Senior Manager, Policy and Government, ACT Corrective Services
- Ms Janet-Lee Hibberd, General Manager, Community Corrections, ACT Corrective Services
- Dr Helen Watchirs, Human Rights and Discrimination Commissioner, Human Rights Commission
- Mr Alasdair Roy, Children and Young People Commissioner, Human Rights Commission
- Mr David Foot, Chief Officer, ACT Ambulance Service, ACT Emergency Services Agency
- Commander David Pryce, Deputy Chief Police Officer (Crime), ACT Policing

ACT Corrective Services:

- Mrs Bernadette Mitcherson, Executive Director
- Ms Janet-Lee Hibberd, General Manager, Community Corrections
- Mr Don Taylor, General Manager, Custodial Operations, Alexander Maconochie Centre

Territory and Municipal Services Directorate:

- Mr Gary Byles, Director-General
- Ms Deb Melaluca, Partnership Coordinator, Partnerships, Planning and Biodiversity, Community and Visitors Programs
- Mr Paul Peters, Executive Director, Roads and Public Transport Division
- Mr Kim Smith, Executive Director, Directorate Services
- Mr Ian Corey, Operations Manager, Flexible Transport Service
- Mr Stephen Alegria, Executive Manager, National Arboretum Canberra

ACT Health

- Dr P Brown, Director-General
- Mr P Carmody, Deputy Director-General
- Ms K Bracher, Executive Director, Mental Health, Justice Health, Alcohol and Drug Services
- Mr R O'Donoghue, Director, Policy and Government Relations

APPENDIX B GENERIC QUESTIONS



- 1 In what way does your Directorate improve the lives of Aboriginal and Torres Strait Islander people in the ACT?
 - a Does your Directorate provide regional services for Aboriginal and Torres Strait Islander people?
 - b If your Directorate does provide regional services have these been impacted on service delivery due to the last federal budget cuts?
- 2 Do you keep data on your interactions with Aboriginal and Torres Strait Islander people and if so can you please provide this to the Elected Body?
- 3 How do you promote Aboriginal and Torres Strait Islander employment in your Directorate?
 - a What are the current Aboriginal and Torres Strait Islander levels in your Directorate?
 - b Of those levels how many of Aboriginal and Torres Strait Islander people hold senior levels within your Directorate?
 - c How does your Directorate support your Aboriginal and Torres Strait Islander staff, such as Leadership, Training and Development and Mentoring?
- 4 How do you consult when developing programs and services that will have an impact on the lives of Aboriginal and Torres Strait Islander people?
 - a Does your Directorate have an Indigenous reference group it uses for consultation, other than the Aboriginal and Torres Strait Islander Elected Body?
 - b How do you determine membership on this reference group?
- 5 What can you do to increase Aboriginal and Torres Strait Islander economic participation in the ACT?
- 6 How could ATSIEB engage better with your Directorate?

APPENDIX C SUMMARY OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AND QUESTIONS ON NOTICE



No.	Hearing date	Directorate or agency	QToN / QoN	Subject
1	03/12/14	CMTEDD	QToN	Funding under the Indigenous Advance Strategy
2	03/12/14	CMTEDD	QToN	Canberra Convention Bureau
3	03/12/14	CMTEDD	QToN	Registered Indigenous businesses
4	03/12/14	CMTEDD	QToN	Formal arrangements with Supply Nation
5	03/12/14	CSD	QToN	Contractual requirements for service providers to engage with Indigenous people
6	03/12/14	CSD	QToN	Evidence required of ACT specialist homelessness services to improve engagement with Aboriginal and Torres Strait Islander service users
7	03/12/14	CSD	QToN	Outcomes of discussions on tourism potential of the ACT Aboriginal and Torres Strait Islander Cultural Centre
8	03/12/14	CSD	QToN	How community consultations, done in association with Older Persons, were advertised
9	03/12/14	CSD	QToN	Next steps in Office for Ageing consultations
10	03/12/14	CSD	QToN	Whether the Elected Body's community priorities were referred to or consulted in terms of the drafting and development of submissions for Indigenous Advancement Strategy funding
11	03/12/14	ETD / CIT	QoN	Whether there were many young Aboriginal and Torres Strait Islander students that are around the age of 13 and 14 enrolled in programs at the CIT
13	03/12/14	ETD / CIT	QoN	What is the age demographic of Aboriginal and Torres Strait Islander students enrolled at CIT?
14	04/12/14	JACS / ACT Policing	QToN	Review processes ACT Policing has adopted on recommendations of the Royal Commission into Aboriginal Deaths in custody within its area of responsibility
15	04/12/14	JACS / Corrective Services	QToN	Privacy and notifications to next of kin in connection with incidents involving prisoners at the AMC
16	04/12/14	JACS / Directorate	QToN	Targets for Aboriginal and Torres Strait Islander staff at the AMC

No.	Hearing date	Directorate or agency	QToN / QoN	Subject
17	04/12/14	TAMS	QToN	Further detail on the classification of TAMS staff who identify as Aboriginal or Torres Strait Islander
18	04/12/14	TAMS	QToN	Fees charged for the use of the Green Room at the Arboretum for the Ngunnawal Traditional Weaving Workshops held on 13–14 September 2014.
19	04/12/14	Health	QToN	Number of Aboriginal inmates on methadone at the AMC
20	04/12/14	Health	QToN	Site visit to Ngunnawal Bush Healing Farm Project



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