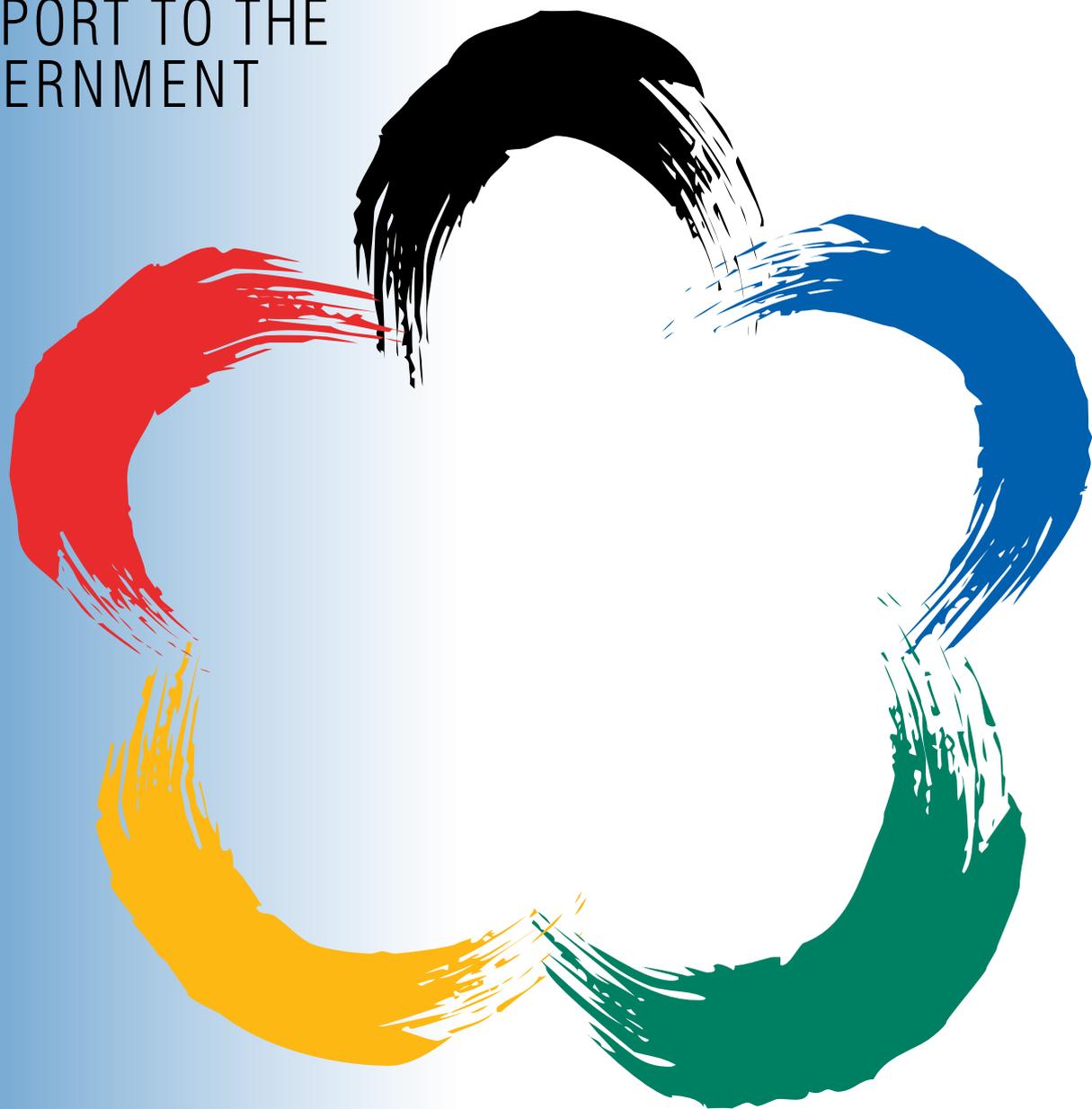


ACT Aboriginal and Torres Strait Islander Elected Body

**REPORT ON THE OUTCOMES OF THE
ATSIEB HEARINGS 28–29 MARCH 2019**

NINTH REPORT TO THE
ACT GOVERNMENT





ACT|atsieb

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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*.

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.

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CHAIR'S FOREWORD



Welcome to the ninth report for the Aboriginal and Torres Strait Islander Elected Body (the Elected Body) Hearings.

The hearings were held on 28 and 29 March 2019 and were the second for this term of the Elected Body.

The *ACT Aboriginal and Torres Strait Islander Agreement 2019–2028* was signed on 26 February 2019, this document is complimented by a series of action plans (that will be refreshed periodically) that provide clear guidance on expectations and mechanisms for reporting and holding government to account in its delivery success. The agreement represents a long-term commitment to self-determination for our people, ensuring the systems and processes of government better meet the needs of our community and that tangible economic and social impact is delivered.

We remain committed to advocating to government for more suitable facilities for Gugan-Gulwan that can sustain our growing youth population and to support the expansion in services they are delivering. We are also focusing efforts to support growing community leadership at both organisational, individual and business levels for our community. This is fundamental in ensuring Aboriginal and Torres Strait Islander-led decision making across all areas that affect our lives — *nothing about us without us!* Over the remainder of our term this will include progressing governance and service delivery arrangements in a range of areas including Boomanulla Oval, an Aboriginal Child Care Agency, Aboriginal and Torres Strait Islander Housing providers, the Aboriginal and Torres Strait Islander Cultural Centre and the Ngunnawal Bush Healing Farm.

The Elected Body is also committed to making a contribution to addressing the absence of appropriate rehabilitation places and services for Aboriginal and Torres Strait Islander people in the ACT, the over-representation of our children in out of home care and the over-representation of our people in the criminal justice system.

We are, however, pleased with progress in a range of areas especially:

- the opening of Boomanulla Oval for community use
- finalisation of the ACT Indigenous Procurement Policy to include business and human services contract deliverables
- design and development work finalised for stage two, and site selection and initial designs for stage three, of the Older Persons Housing project
- continued contribution to Our Booris Our Way
- review of the Ngunnawal Bush Healing Farm
- a focus on increasing the cultural competence of staff across the ACT Public Service.

The Aboriginal and Torres Strait Islander Elected Body is committed to working with the ACT Government to implement the recommendations from this hearings report and to progress the *ACT Aboriginal and Torres Strait Islander Agreement 2019–2028* and actions plans which outlines measurable objectives and realistic targets that seek to achieve equitable life outcomes for all Aboriginal and Torres Strait Islander Canberrans.

Katrina Fanning psm

Chair

RECOMMENDATIONS



Applicable across all directorates and agencies

RECOMMENDATION 1

2.7 The Elected Body recommends that the ACT Government implement a whole-of-government standard to embed cultural competency within all government directorates and agencies.

RECOMMENDATION 2

2.11 The Elected Body recommends that the ACT Government takes measures to better promote cultural competency training within all government directorates and agencies, including, but not limited to:

- i) making cultural competency training mandatory for all executive level staff
- ii) collaborating with Ngunnawal community groups and organisations to incorporate Ngunnawal content into such cultural competency training.

RECOMMENDATION 3

2.14 The Elected Body recommends that the ACT Government improve the scope and integrity of its data collection systems, including, but not limited to:

- i) recording the diversity information of all participants on all government boards and committees
- ii) recording the diversity information of all participants in government selection panels and whether participants have undertaken cultural competency training
- iii) collecting data on staff compliance with guidelines relating to recording equity and diversity information.

RECOMMENDATION 4

2.16 The Elected Body recommends that the ACT Government include culturally-inclusive practices in all recruitment processes.

RECOMMENDATION 5

2.17 The Elected Body recommends that the ACT Government develop and implement policies and standards to value and recognise Aboriginal and Torres Strait Islander people for the cultural knowledge and leadership they bring to the performance of their duties.

RECOMMENDATION 6

2.19 The Elected Body recommends that the ACT Government develop pipelines to support Aboriginal and Torres Strait Islander people achieve their career aspirations, including further training, education and employment and that the government tracks the outcomes of these initiatives through targeted survey work.

RECOMMENDATION 7

2.20 The Elected Body recommends that the ACT Government act to ensure it meets its employment targets for Aboriginal and Torres Strait Islander people.

Directorate and agency-specific recommendations

Chief Minister, Treasury and Economic Development Directorate

RECOMMENDATION 8

3.84 The Elected Body recommends that the Chief Minister, Treasury and Economic Development Directorate develop a mechanism to capture the attainment rate for Aboriginal and Torres Strait Islander people participating in the Australian Apprenticeship and Skilled Capital programs.

RECOMMENDATION 9

4.8 The Elected Body recommends the ACT Government work with CIT Solutions to develop a strategy for the ACT Public Service to leverage the Commonwealth Indigenous Apprenticeship Program for recruitment of Aboriginal and Torres Strait Islander people into the ACT Public Service.

RECOMMENDATION 10

4.16 The Elected Body recommends that in any future redevelopment of the CIT, the Yurauna Centre stays in a prominent, central and easily accessible location.

Community Services Directorate

RECOMMENDATION 11

5.27 The Elected Body recommends that the Community Service Directorate works collaboratively with Aboriginal and Torres Strait Islander community-controlled organisations to better publicise the meaning, role and activities of the Family Safety Hub within the Aboriginal and Torres Strait Islander community.

RECOMMENDATION 12

5.78 The Elected Body recommends that the Community Services Directorate ensures that the Our Booris, Our Way steering committee or other relevant Aboriginal and Torres Strait Islander community organisations are consulted on any proposed changes to legislation involving the adoption of Aboriginal and Torres Strait Islander children.

RECOMMENDATION 13

5.87 The Elected Body recommends that the Community Services Directorate takes measures to ensure that all case workers allocated Aboriginal and Torres Strait Islander children have completed cultural awareness and competency training.

Environment, Planning and Sustainable Development Directorate

RECOMMENDATION 14

6.10 The Elected Body recommends that the Environment, Planning and Sustainable Development Directorate develop and implement an Aboriginal and Torres Strait Islander community engagement plan for the directorate in line with the Elected Body's *Protocols for working with Aboriginal and/or Torres Strait Islander peoples*.



RECOMMENDATION 15

6.61 The Elected Body recommends that the Environment, Planning and Sustainable Development Directorate works with Ngunnawal community groups and organisations to standardise and better communicate licensing arrangements for cultural tourism activities in the territory's national parks.

Education Directorate

RECOMMENDATION 16

7.71 The Elected Body recommends that the Education Directorate work with high schools and colleges to develop a strategy to maximise the uptake of secondary and tertiary scholarships by Aboriginal and Torres Strait Islander students.

Justice and Community Safety Directorates

RECOMMENDATION 17

8.60 The Elected Body recommends that the Justice and Community Safety Directorate ensures the ongoing convenient access to visiting Aboriginal and Torres Strait Elders to toilet facilities at the Alexander Maconochie Centre.

ACT Policing

RECOMMENDATION 18

9.16 The Elected Body recommends that ACT Policing updates its data management system to record of the number of Aboriginal and Torres Strait Islander interviewees who have been offered, accepted, or expressly waived an interview friend or legal representation and reports the outcomes in ACT Policing's annual report.

ACT Human Rights Commission

RECOMMENDATION 19

10.16 The Elected Body recommends that the ACT Human Rights Commission develop and implement an Aboriginal and Torres Strait Islander community engagement plan for the Commission in line with the Elected Body's *Protocols for working with Aboriginal and Torres Strait Islander peoples*.



Transport Canberra and City Services Directorate

RECOMMENDATION 20

11.29 The Elected Body recommends that Transport Canberra and City Services Directorate works to include Aboriginal and Torres Strait Islander people in the directorate's partnership with the Justice and Community Safety Directorate's Throughcare program for employment opportunities for people exiting corrections and youth justice facilities.

ACT Health Directorate and Canberra Health Services

RECOMMENDATION 21

12.15 The Elected Body recommends that the Canberra Health Services investigates the impact of overcrowding in the Canberra Hospital's mental health unit on Aboriginal and Torres Strait Islander patients and introduce measures to mitigate any negative impact.

RECOMMENDATION 22

12.49 The Elected Body recommends that Health Directorate take steps to work with the ACT colleges, the CIT and Aboriginal and Torres Strait Islander community organisations to demonstrate how it will increase the uptake of scholarships under the nursing scholarship program.

RECOMMENDATION 23

12.70 The Elected Body recommends that Canberra Health Services develop a plan to co-locate the family room, currently on level 3 of the Canberra Hospital, and the Aboriginal Liaison Service in a prominent and easily accessible location.

RECOMMENDATION 24

12.73 The Elected Body recommends that, in view of the high demand placed on the Aboriginal Liaison Service, that Canberra Health Services develop a strategy to make the Aboriginal Liaison Service available seven days a week and review current staffing levels, numbers and rostering.



1 BACKGROUND

- 1.1 The Aboriginal and Torres Strait Islander Elected Body (the Elected Body) is an independent democratic body 'responsible for representing the needs of Aboriginal and Torres Strait Islander people living within the ACT'.¹
- 1.2 The Elected Body is constituted under the *Aboriginal and Torres Strait Islander Elected Body Act 2008* (the Act), which empowers it to 'act as an advocate on systemic or whole-of-government issues affecting' the interests of Aboriginal and Torres Strait Islander people in the ACT.²
- 1.3 The Elected Body consists of seven members elected to three-year terms who hold office on a part-time basis. Elections for the body are conducted according to the Act by the ACT Electoral Commission.

The hearing process

- 1.4 The Elected Body held two-days of hearings on Thursday 28 March 2019 and Friday 29 March 2019 at the Legislative Assembly of the ACT. The hearing process is governed by Section 10A(1) of the Act, which states that the Elected Body must hold at least two public hearings during each of its terms.³ The hearings are modelled on the estimates process in the Legislative Assembly of the ACT and the Senate. The Act provides that the Elected Body 'may conduct proceedings at a public hearing as it considers appropriate'.⁴
- 1.5 The hearings process is designed to allow the Elected Body to scrutinise government on the effectiveness and accessibility of government programs for Aboriginal and Torres Strait Islander people living in the ACT and the accessibility by Aboriginal and Torres Strait Islander people living in the ACT to government programs and services for the general public.⁵
- 1.6 In order to carry out this scrutiny role, the Elected Body can invite the executive officer of a government agency to appear before it at public hearings. Under Section 10A(3) of the Act, such officials 'must' attend hearings, provide information and answer questions from the Elected Body.⁶
- 1.7 In preparation for the hearings, the Elected Body circulated to witnesses a list of questions which had been prepared in consultation with the ACT's Aboriginal and Torres Strait Islander community. The Elected Body emphasised that when directing questions to government officials, priority had been given to questions formulated through this consultative process.⁷
- 1.8 At the commencement of both days of the hearings, Mrs Caroline Hughes conducted a Welcome to Country partly in the Ngunnawal language. In the Welcome, Mrs Hughes spoke the words 'Yumalindi Ngunna Yerrabi Kooralili Mungangai', meaning 'hello and welcome to Ngunnawal Country'.⁸

2 *Aboriginal and Torres Strait Islander Elected Body Act 2008*, s8(b), <www.legislation.act.gov.au/a/2008-12/default.asp>, viewed 17 April 2019.

3 *Aboriginal and Torres Strait Islander Elected Body Act 2008*, s10A(1).

4 *Aboriginal and Torres Strait Islander Elected Body Act 2008*, s10A(4).

5 *Aboriginal and Torres Strait Islander Elected Body Act 2008*, s10A(2).

6 *Aboriginal and Torres Strait Islander Elected Body Act 2008*, s10A(3).

7 *Transcript of evidence*, 28 March 2019, p. 2.

ACT Aboriginal and Torres Strait Islander Agreement 2019–2028

- 1.9 On 26 February 2019, Elected Body Chair, Ms Katrina Fanning, ACT Chief Minister, Mr Andrew Barr MLA, Minister for Aboriginal and Torres Strait Islander Affairs, Ms Rachel Stephen-Smith MLA and ACT Public Service Head of Service, Ms Kathy Leigh signed a new *ACT Aboriginal and Torres Strait Islander Agreement 2019–2028* (the Agreement).
- 1.10 The Agreement represents a strengthening of the partnership between the ACT's Aboriginal and Torres Strait Islander community and the ACT Government based on a recognition that: 'the land known as the Australian Capital Territory had been occupied, used and enjoyed since time immemorial by Aboriginal peoples in accordance with their traditions'. The Agreement additionally recognises that: 'First people have the right to self-determination which is an ongoing process of choice that Aboriginal and Torres Strait Islander communities are able to meet their social, cultural and economic needs'.⁹
- 1.11 The Agreement seeks to build on the previous Agreement (2015–2018)¹⁰ to increase government accountability, through the Elected Body, to the ACT's Aboriginal and Torres Strait Islander community 'to provide accessible and equitable services that aim to improve the social, environmental, economic and cultural infrastructures within their communities'.¹¹
- 1.12 The Agreement centres on four core areas and six significant areas of focus to track progress in achieving the outcomes of the Agreement. Core areas are:
- **Children and young people**—Aboriginal and Torres Strait Islander children and young people growing up safely in their families and communities.
 - **Cultural integrity**—A society that supports the aspirations of all Aboriginal and Torres Strait Islander peoples and contributes to the building of respectful, fair and sustainable communities.
 - **Inclusive community**—A self-determined and inclusive society where Aboriginal and Torres Strait Islander peoples are valued, respected, and experience a life free of racism and systematic discrimination.
 - **Community leadership**—Aboriginal and Torres Strait Islander peoples have a strong voice, are decision makers on issues that impact them and lead in the achievement of positive life outcomes.¹²
- 1.13 The Agreement's significant areas of focus are:
- **Connecting the community**—Aboriginal and Torres Strait Islander community members are connected to strong families, and social and support networks building upon the foundations of community leadership.
 - **Life-long learning**—Respect is given to preserving the world's oldest living culture which enhances social inclusion and empowers Aboriginal and Torres Strait Islander peoples to fully engage in life-long learning and positive generational experiences.
 - **Economic participation**—Equality of access to employment and growth in Aboriginal and Torres Strait Islander businesses and community services organisations which drives economic development across their communities.
 - **Health and wellbeing**—Aboriginal and Torres Strait Islander peoples have equity in health and wellbeing outcomes as any other member of the community.

10 *ACT Aboriginal and Torres Strait Islander Agreement 2015–18*, <www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf>, viewed 17 April 2019.

11 *ACT Aboriginal and Torres Strait Islander Agreement 2019–2028*, p. 1.

12 *ACT Aboriginal and Torres Strait Islander Agreement 2019–2028*, p. 4.

- **Housing**—Aboriginal and Torres Strait Islander peoples have equitable access to affordable, secure and appropriate housing suitable to their needs.
- **Justice**—Aboriginal and Torres Strait Islander peoples, their families and communities thrive in a safe environment and have equitable access to justice and culturally safe restorative justice, prevention and diversion programs.¹³

1.14 During the course of the 2019 hearings, the Agreement informed the Elected Body's questioning. In particular, the Elected Body asked the directorates and agencies what actions they would take 'within the next 100 days' to implement the major commitments under the Agreement.

Report structure

1.15 The report is structured according to order in which government directorates and agencies appeared before the Elected Body. The structure of the report is as follows:

- Chair's foreword
- Recommendations
- Chapter 1: Background
- Chapter 2: Recommendations for all ACT Government directorates and agencies
- Chapter 3: Chief Minister, Treasury and Economic Development Directorate
- Chapter 4: Canberra Institute of Technology
- Chapter 5: Community Service Directorate
- Chapter 6: Environment, Planning and Sustainable Development Directorate
- Chapter 7: Education Directorate
- Chapter 8: Justice and Community Safety Directorate (including ACT Legal Aid Commission)
- Chapter 9: ACT Policing
- Chapter 10: ACT Human Rights Commission
- Chapter 11: Transport Canberra and City Services Directorate
- Chapter 12: Health Directorate and Canberra Health Services

2 RECOMMENDATIONS FOR ALL ACT GOVERNMENT DIRECTORATES AND AGENCIES



Introduction

- 2.1 During the hearings, the Elected Body identified seven recommendations that are applicable across all ACT Government directorates and agencies.
- 2.2 The Elected Body commentary on these whole-of-government recommendations, below, is not intended to be an exhaustive list of the range of issues addressed by the recommendation, nor the range of possible approaches government can take in implementing the recommendations.

Elected Body comment and recommendations

Cultural integrity

- 2.3 Under the *ACT Aboriginal and Torres Strait Islander Agreement 2019–2028* (the Agreement), the ACT Government has committed to, among other things, ‘embedding cultural integrity into policy and practice of the ACT Government’, ‘the creation of a culturally proficient ACT Government’ and developing and implementing ‘cultural standards and protocols across ACT Government’.¹⁴
- 2.4 Throughout the hearings, the Elected Body heard that much work remains to be done to adequately address these commitments to embedding cultural integrity into the culture and procedures of ACT Government directorates and agencies.
- 2.5 For cultural integrity to be successful, the Elected Body believes that government must take measures to address issues of systemic racism within the government structures and make government more responsive to the cultural needs of Aboriginal and Torres Strait Islander people, including those employed in government.
- 2.6 The Elected Body notes that, also under the Agreement, the ACT Government has committed to reducing ‘experiences of racism and discrimination for Aboriginal and Torres Strait Islander people within government systems by 80 per cent, by 2028’.¹⁵ Ensuring that cultural integrity is firmly embedded in government, is integral in meeting this commitment.

RECOMMENDATION 1

- 2.7 **The Elected Body recommends that the ACT Government implement a whole-of-government standard to embed cultural competency within all government directorates and agencies.**

14 *ACT Aboriginal and Torres Strait Islander Agreement 2019–2028*, Cultural Integrity Action Plan, <www.communityservices.act.gov.au/atsia/agreement-2019-2028/action-plans>, viewed 17 July 2019.

15 *ACT Aboriginal and Torres Strait Islander Agreement 2019–2028*, Inclusive Community Action Plan, <www.communityservices.act.gov.au/atsia/agreement-2019-2028/action-plans>, viewed 17 July 2019.



Cultural competency training

- 2.8 The Elected Body believes that a key component of cultural integrity is changing the culture of government in its dealings with Aboriginal and Torres Strait Islander people. An important step towards this is ensuring government staff are equipped with adequate knowledge and understanding of the needs of the ACT's Aboriginal and Torres Strait Islander community. Under the Agreement, the ACT Government has committed to 'supporting ACT Government employees to be culturally competent/literate with access to cross-cultural training and immersion programs commensurate with their roles'.¹⁶
- 2.9 The Elected Body notes, however, that for most government directorates and agencies cultural competency training is not compulsory for staff. The Elected Body believes that unless such training is mandatory it will not reach those staff members who may benefit most from it. The Elected Body also believes that this cultural competency training should include content on unconscious bias.
- 2.10 The Elected Body emphasises the need to include local Ngunnawal content into the cultural competency training provided to ACT Government employees.

RECOMMENDATION 2

- 2.11 **The Elected Body recommends that the ACT Government takes measures to better promote cultural competency training within all government directorates and agencies, including, but not limited to:**
- i) making cultural competency training mandatory for all executive level staff
 - ii) collaborating with Ngunnawal community groups and organisations to incorporate Ngunnawal content into such cultural competency training.

Integrity of data collection

- 2.12 The Elected Body is conscious that government policy is only as good as the empirical data on which it is based. Indeed, government may be unaware that certain problems exist due to lack of data and information, making solutions to these problems impossible. In order to promote the interests of Aboriginal and Torres Strait Islander people in the ACT, the government needs to better collect data on how government policy and processes impact the community and on how Aboriginal and Torres Strait Islander people interact with government.
- 2.13 The Elected Body also notes that under the Agreement, the ACT Government has committed to including 'cultural proficiency measures within ACT Government reporting' as well as engaging 'with specialist organisations to develop tools and resources to measure the success or otherwise of engagement with the Aboriginal and Torres Strait Islander community'.¹⁷

RECOMMENDATION 3

- 2.14 **The Elected Body recommends that the ACT Government improve the scope and integrity of its data collection systems, including, but not limited to:**
- i) recording the diversity information of all participants on all government boards and committees
 - ii) recording the diversity information of all participants in government selection panels and whether participants have undertaken cultural competency training
 - ii) collecting data on staff compliance with guidelines relating to recording equity and diversity information.

¹⁶ ACT Aboriginal and Torres Strait Islander Agreement 2019–2028, Life-long Learning Action Plan, <www.communityservices.act.gov.au/atsia/agreement-2019-2028/action-plans>, viewed 17 July 2019.

¹⁷ ACT Aboriginal and Torres Strait Islander Agreement 2019–2028, Life-long Learning Action Plan and Cultural Integrity Action Plan, <www.communityservices.act.gov.au/atsia/agreement-2019-2028/action-plans>, viewed 17 July 2019.



Culturally-inclusive practices in government recruitment and HR policy

- 2.15 Under the Agreement, the ACT Government has committed to 'reviewing our structures, systems and practices to remove institutionalised racism'.¹⁸ While the Elected Body recognises that this commitment covers a wide array of governmental business, the hearings revealed that government recruitment processes, and HR policy more generally, could be more culturally-inclusive. This includes an acknowledgment of the unique skills Aboriginal and Torres Strait Islander people bring to government roles and support for such staff in managing the cultural load they carry.

RECOMMENDATION 4

- 2.16 **The Elected Body recommends that the ACT Government include culturally-inclusive practices in all recruitment processes.**

RECOMMENDATION 5

- 2.17 **The Elected Body recommends that the ACT Government develop and implement policies and standards to value and recognise Aboriginal and Torres Strait Islander people for the cultural knowledge and leadership they bring to the performance of their duties.**

Life-long learning and economic participation

- 2.18 Under the Agreement, the ACT Government has committed to 'maximising opportunities for employment of Aboriginal and Torres Strait Islander people' and 'supporting Aboriginal and Torres Strait Islander students in the transition from study to employment'.¹⁹ The hearings confirmed for the Elected Body that more work could be done by government to maximise employment opportunities for Aboriginal and Torres Strait Islander people both inside and outside of government. The Elected Body believes that intimately related to this, government can do more to promote further education and training opportunities in support of all Aboriginal and Torres Strait Islander people achieving their career aspirations in whatever forms these take. Additionally, the ACT Government should undertake survey work to track the education and career paths of Aboriginal and Torres Strait Islander young people in order to improve policy outcomes.

RECOMMENDATION 6

- 2.19 **The Elected Body recommends that the ACT Government develop pipelines to support Aboriginal and Torres Strait Islander people achieve their career aspirations, including further training, education and employment and that the government tracks the outcomes of these initiatives through targeted survey work.**

RECOMMENDATION 7

- 2.20 **The Elected Body recommends that the ACT Government act to ensure it meets its employment targets for Aboriginal and Torres Strait Islander people.**

¹⁸ ACT Aboriginal and Torres Strait Islander Agreement 2019–2028, Inclusive Community Action Plan, <www.communityservices.act.gov.au/atsia/agreement-2019-2028/action-plans>, viewed 17 July 2019.

¹⁹ ACT Aboriginal and Torres Strait Islander Agreement 2019–2028, Economic Participation Action Plan, <www.communityservices.act.gov.au/atsia/agreement-2019-2028/action-plans>, viewed 17 July 2019.

3 CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE



Topics of discussion during hearings

- 3.1 The Elected Body asked representatives from the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) questions relating to:
- Transition of Boomanulla Oval to community control
 - ACT Government's Indigenous Procurement Policy
 - Embedding cultural integrity into government
 - Employment of Aboriginal and Torres Strait Islander people in the ACT Public Service
 - Promoting business development opportunities for Aboriginal and Torres Strait Islander people
 - Sports and recreation
 - Cultural awareness within the CMTEDD.

Key issues

Transition of Boomanulla Oval to community control

- 3.2 In its questions to the directorate, the Elected Body identified three priority areas they wished to see government action on within the next 100 days. The first was the transition of Boomanulla Oval to community control. While acknowledging that there had been upgrades to, and turf laid at, Boomanulla Oval, the Elected Body asked what actions would be taken to transition the oval to Aboriginal and Torres Strait Islander community control.
- 3.3 Ms Kareena Arthy, Deputy Director-General, Economic Development, informed the Elected Body that the government's current priority was 'getting the oval working and ready to go', but that 'in terms of the broader issues around governance, it is the government's commitment to make sure that it is returned'. She noted that Minister Berry and Minister Stephen-Smith had written to the Elected Body to seek advice about the best way to consult with the community in facilitating the transition.²⁰
- 3.4 Ms Arthy said work on possible post-transition governance models for the oval was being undertaken.²¹

ACT Government Indigenous Procurement Policy

- 3.5 The Elected Body's second priority area was action to implement the ACT Government Indigenous Procurement Policy. The Elected Body asked what actions would be taken over the next 100 days in implementing a new Indigenous Procurement Policy.
- 3.6 Mr Shaun Strachan, Deputy Under Treasurer, informed the Elected Body of actions taken over the past six to eight months, including focusing on identifying key measures that would be indications of the government's one per cent target and starting direct consultations with peak bodies.²²

²⁰ Ms Kareena Arthy, Deputy Director-General, Economic Development, *Transcript of evidence, 28 March 2019*, p. 7.

²¹ Ms Kareena Arthy, Deputy Director-General, Economic Development, *Transcript of evidence, 28 March 2019*, p. 7.

²² Mr Shaun Strachan, Deputy Under Treasurer, *Transcript of evidence, 28 March 2019*, p. 4.

- 3.7 Going forward, the Deputy Under Treasurer said that ‘over the next couple of months we will be moving the policy work into, essentially, a cabinet submission’, with the aim of having the new policy in place by 1 July.²³
- 3.8 In response to a question on the involvement of the United Ngunnawal Elders Council (UNEC) in tender processes, Mr David Nicol, Under Treasurer, said that the process was in the early stages of design and the directorate was:
- ...learning from the process we went through for the Aboriginal and Torres Strait Islander procurement policy in terms of consultation with the community. We do not collect that information again as to which tenderers across government actually go out and engage with different groups in terms of design.*²⁴
- 3.9 Mr Nicol explained that there was a lack of information on this matter due to the decentralised nature of the procurement process, with each directorate having responsibility over it. He reported that the directorate was ‘having a look at our procurement systems to see how much we centralise in terms of information collection and rule setting versus how much we give control to directorates’. He added that for the last 12 months the directorate had been focused on setting up the Aboriginal and Torres Strait Islander procurement policy; their ‘next step then is how we engage in the earlier development of tenders with the community’.²⁵

Embedding cultural integrity into government

- 3.10 The Elected Body asked what work the ACT Government needed to be undertaken over the next 100 days to develop the processes and mechanisms to embed its cultural integrity commitments.
- 3.11 Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance, outlined three initiatives of the 2018–19 Budget that the government intends to implement by June 2019:
- i) mentor training with a specific cultural focus for both Aboriginal and Torres Strait Islander people and non-Aboriginal and Torres Strait Islander people, involving 50 people across the service
 - ii) career development program involving 40 Aboriginal and Torres Strait Islander staff
 - iii) leadership program for Aboriginal and Torres Strait Islander people involving 20 Aboriginal and Torres Strait Islander staff at the senior officer level and also into the executive level.²⁶
- 3.12 The Elected Body acknowledged these initiatives but noted that they were only one side of the equation; the other being systemic racism within governmental structures. The Elected Body asked how, in the next 100 days, the ACT Government intended to address systemic racism, improve cultural integrity and measure whether government is able to provide a culturally appropriate service.
- 3.13 Mr Robert Wright, Executive Group Manager, Skills Canberra, told the Elected Body that:
- One of the initiatives being undertaken in policy and Cabinet is the recruitment of a new identified position so that we can further ensure Aboriginal and Torres Strait Islander perspectives are represented in policy advice to Chief Minister and Cabinet.*²⁷
- 3.14 Ms Whitten told the Elected Body that government has also started to explore unconscious bias training.²⁸
- 3.15 While acknowledging this, the Elected Body said it was concerned that if such training was conducted on an opt-in basis, it may miss training those who would most benefit from it. The Elected Body asked whether the training would be made compulsory.

23 Mr Shaun Strachan, Deputy Under Treasurer, *Transcript of evidence*, 28 March 2019, p. 4.

24 Mr David Nicol, Under Treasurer, CMTEDD, *Transcript of evidence*, 28 March 2019, p. 29.

25 Mr David Nicol, Under Treasurer, CMTEDD, *Transcript of evidence*, 28 March 2019, p. 29.

26 Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance, *Transcript of evidence*, 28 March 2019, p. 5.

27 Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 6.

28 Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance, *Transcript of evidence*, 28 March 2019, p. 6.



- 3.16 Ms Kathy Leigh, Head of Service and Director-General, responded that while the training was not currently compulsory, 'that is certainly something we should consider'.²⁹

Elected Body comment

- 3.17 Under the Agreement, the ACT Government has committed to embedding cultural integrity into government policies, procedures and processes. In order to address systemic racism within government and provide improved outcomes for the ACT's Aboriginal and Torres Strait Islander community, the ACT Government should develop and implement a whole-of-government standard to embed cultural integrity into all ACT Government directorates and agencies (see 'Recommendation 1', Chapter 2).
- 3.18 The Elected Body notes that the issue of cultural competency training emerged throughout the hearings. It believes that the most effective way to achieve outcomes from such training is to make it mandatory, especially for staff at the executive level (see 'Recommendation 2', Chapter 2).

Employment of Aboriginal and Torres Strait Islander people in the ACT Public Service

ACT Public Service Aboriginal and Torres Strait Islander employment target

- 3.19 The Elected Body noted the ACT Government's target of 407 Aboriginal and Torres Strait Islander employees across the ACT Public Service, and asked the directorate what additional resources had been allocated to reach this target.
- 3.20 Ms Whitten noted that, for the directorate, the 2018–19 Budget had allocated funding for 0.6 ASO5 and 0.6 SOGC positions. She said that across the service, 'I expect that each directorate would also contribute to that answer in terms of the 407 across the service'.³⁰
- 3.21 On how this decentralised approach to reaching the employee target works, Ms Leigh said:
*...every Director-General has in their performance agreement a specific requirement to meet these targets. There are not very many specific requirements in performance agreements, so that is an indication of how seriously it is taken. I understand that at the moment we are ten off. This is a target for the end of June and I understand we are ten off, so the race is on.*³¹

Employment Pathways Program

- 3.22 The Elected Body asked how many of the people employed on a casual basis under the Employment Pathways Program have transitioned to ongoing paid employment.
- 3.23 Mr Wright said nine people had been employed under the program to undertake casual work at GIO Stadium, four from ACT high schools and five recruited from the Commonwealth Government's Jobactive scheme. He informed the Elected Body that 'three of those have already got into ongoing roles and we are hoping there will be a fourth very soon'.³²

Recruitment of Aboriginal and Torres Strait Islander staff

- 3.24 The Elected Body asked how many Aboriginal and Torres Strait Islander staff had been part of selection panels over the last 12 months.

29 Ms Kathy Leigh, Head of Service and Director-General, CMTEDD, *Transcript of evidence*, 28 March 2019, p. 6.

30 Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance, *Transcript of evidence*, 28 March 2019, p. 10.

31 Ms Kathy Leigh, Head of Service and Director-General, CMTEDD, *Transcript of evidence*, 28 March 2019, p. 10.

32 Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, pp. 10–11.



- 3.25 In response, Mr Wright informed the Elected Body that while such figures were not recorded by the current recruitment system, the directorate was in the process of purchasing a new system which would allow such information to be recorded.³³
- 3.26 The Elected Body noted that increasing the number of Aboriginal and Torres Strait Islander staff on selection panels is a commitment of the directorate under its Reconciliation Action Plan (RAP)³⁴ and queried what mechanisms were in place to implement this commitment.
- 3.27 Mr Wright explained that, of the directorate's 40 Aboriginal and Torres Strait Islander employees, 21 were in identified positions as at December 2018. He told the Elected Body that 'when we have an identified position we try and ensure there is an Aboriginal and Torres Strait Islander staff member on the panels'.³⁵
- 3.28 Mr Wright went on to say that the directorate was engaged with Aboriginal and Torres Strait Islander employment providers:

*We have just completed three days of our RAP development workshop. We are using an Engoori process, working with Scott Goringe of Murrinatters in doing that. One of the things that we talked about in developing the new RAP is how we engage more effectively with community and looking at reverse marketing some of those positions rather than doing it in the old-fashioned way where we put out a job and then hope that Aboriginal and Torres Strait Islander applicants apply for it, because we know it is competitive market out there. Aboriginal and Torres Strait Islander staff are sought after, particularly through our entry-level program schemes, and we need more effective mechanisms for that.*³⁶

Elected Body comment

- 3.29 During the hearings, the Elected Body consistently heard that government does not record diversity information about selection panel members or whether these members have completed cultural competency training (see 'Recommendation 3', Chapter 2).

Graduate recruitment program

- 3.30 The Elected Body then asked about Aboriginal and Torres Strait Islander outcomes under the government's graduate recruitment program.
- 3.31 In response, Ms Whitten noted challenges associated with attracting Aboriginal and Torres Strait Islander recruits into the graduate program 'because it is a very competitive market'. She explained that a 'plan is being developed; it will not be complete until the end of June'.³⁷
- 3.32 The Elected Body asked if the competitive market for Aboriginal and Torres Strait Islander graduate recruits presented an opportunity to work with Aboriginal and Torres Strait Islander students in years 10, 11 and 12 as a pipeline into the graduate program.
- 3.33 Ms Whitten responded: 'Yes. It is an area that we can look at as a pathway'. She added 'our vocational employment programs have some of that aspect to it, but it is the next one as well'.³⁸

Elected Body comment

- 3.34 The Elected Body believes the ACT Government can do more to promote the employment of Aboriginal and Torres Strait Islander people in both government and private sector work (see 'Recommendation 6', Chapter 2).

33 Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 8.

34 CMTEDD RAP, <www.cmtedd.act.gov.au/__data/assets/pdf_file/0020/1067501/CMTEDD_Reconciliation_Action_Plan.pdf>, viewed 17 July 2019.

35 Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 8.

36 Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, pp. 8–9.

37 Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance, *Transcript of evidence*, 28 March 2019, p. 18.

38 Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance, *Transcript of evidence*, 28 March 2019, p. 19.



Human Resources policy

- 3.35 The Elected Body asked what measures had been undertaken by the directorate — under its RAP — to review its HR recruitment procedure and policies to ensure that Aboriginal and Torres Strait Islander staff do not face barriers in participating in the ACT Public Service.
- 3.36 Mr Wright said that when considering this issue the directorate's RAP working group received feedback that suggested a need for the increased use of inclusion statements in job advertisements.³⁹
- 3.37 Asked if such statements were currently used for identified positions only or, more generally, Mr Wright responded 'mostly specific Aboriginal and Torres Strait Islander jobs' and that, following feedback received from the RAP working group, the directorate would be open to looking at using them more generally.⁴⁰
- 3.38 Mr Wright outlined how the directorate had reviewed its entry-level program in terms of attraction; its engagement with employment providers and how they may improve the field of candidates; and using a reverse-marketing approach by engaging with the community to attract candidates.⁴¹
- 3.39 The Elected Body asked what action had been taken concerning HR policy to ensure that there were no barriers for Aboriginal and Torres Strait Islander staff in participating in NAIDOC Week events.
- 3.40 Mr Wright detailed how the directorate's HR policy had been reviewed in line with its RAP commitments and that — working in consultation with the Yurauna Centre — policies had been put in place outlining: 'how staff could undertake those provisions about attending cultural events, kinship structures and how that would work in terms of leave provisions and additional leave provisions that are available to Aboriginal and Torres Strait Islander people under Annex D of the Agreement'. He said the provisions also applied to attendance of Aboriginal and Torres Strait Islander meetings.⁴²
- 3.41 Ms Whitten provided additional information on the provisions in the Enterprise Agreement which covered the whole of the service. She explained that the Agreement included one single day of paid leave for staff to attend NAIDOC Week events, which is also available to non-Indigenous staff. She further explained that an additional definition of 'immediate family' had been included in the Agreement to cover 'a person related to the employee by Aboriginal and Torres Strait Islander kinship structures'.⁴³
- 3.42 The directorate provided further information in relation to this question in a Response to a Question Taken on Notice, outlining that it had 'engaged the CIT Yurauna Centre to review the *Flexible Working Arrangement* fact sheet and the *ACTPS Recruitment Guidelines* with a view to cultural safety'. The response said that feedback from the Yurauna Centre had been incorporated into the fact sheet and that the changes 'have increased awareness of leave provisions which are available to Aboriginal and Torres Strait Islander peoples'.⁴⁴

Elected Body comment

- 3.43 The Elected Body believes that ensuring government recruitment processes are culturally-inclusive is integral to increasing employment of Aboriginal and Torres Strait Islander people (see 'Recommendation 4', Chapter 2).

Mentoring program and trainee program

- 3.44 The Elected Body asked about the impact of the government's Aboriginal and Torres Strait Islander mentoring program and the number of participants in the program.

39 Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 33.

40 Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 33.

41 Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 34.

42 Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 31.

43 Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance, *Transcript of evidence*, 28 March 2019, p. 32.

44 Mr Robert Wright, Executive Group Manager, Corporate, Response to a Question Taken on Notice, No. 8, 16 April 2019.



- 3.45 Ms Whitten said the program was still being developed and had not yet commenced, but that the government is 'planning to launch it in May with about 50 people, both Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander'.⁴⁵
- 3.46 At directorate level, Mr Wright reported that the CMTEDD mentoring program was run out of the National Arboretum, usually with around eight participants. He said that while the directorate had 'a broader mentoring program', no Aboriginal and Torres Strait Islander staff had 'put their hand up for that'. He said that increasing Aboriginal and Torres Strait Islander staff participation in this program was something the directorate had to do. He also said that attempts to build a network of Aboriginal and Torres Strait Islander staff within the directorate had 'not been very successful'.⁴⁶
- 3.47 Responding to a question about the Aboriginal and Torres Strait Islander trainee program and the number of participants who have transitioned to ongoing employment, Ms Whitten confirmed that six of the eight participants had gained ongoing employment within the ACT Public Service. Mr Wright added that two were employed in CMTEDD.⁴⁷
- 3.48 Of the commitment to pastoral care for Aboriginal and Torres Strait Islander employees outlined in the directorate's corporate documents, the Elected Body wanted to know how this was structured and if it was broader than mentoring and setting up networks.
- 3.49 Ms Whitten replied that: 'support is provided through our team and we provide pastoral care through Tina Brown. She has regular meetings, weekly or monthly, depending on what the need is'.⁴⁸

Inclusion Officers

- 3.50 The Elected Body asked about Inclusion Officers and whether each directorate has one and whether these were part of the Respect, Equity and Diversity (RED) Framework.
- 3.51 This question was taken on notice and the response indicated that 'each directorate has a role to support inclusion and diversity, their title may not be stated as an Inclusion Officer but part of their duties would involve inclusion and diversity'. It added that such officers may be involved with 'coordination or management of the RED program and framework, however, the inclusion role is separate to the RED program'. The response provided additional information, noting that the 'Inclusion Officer is not an identified position and the role would work towards supporting all diversity groups'.⁴⁹
- 3.52 Mr Wright later informed the Elected Body that CMTEDD 'currently has two staff who are focused on inclusion and diversity. We have one in corporate and one in Shared Services. They are part of our diversity and inclusion strategy and action plan which was launched in 2019'.⁵⁰

Promoting business development opportunities for Aboriginal and Torres Strait Islander people

Capital works program

- 3.53 The Elected Body asked the directorate about Aboriginal and Torres Strait Islander business and employment outcomes obtained through the capital works program.

45 Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance, *Transcript of evidence*, 28 March 2019, p. 19.

46 Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, pp. 19–20.

47 Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance and Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 20.

48 Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance, *Transcript of evidence*, 28 March 2019, p. 20.

49 Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance, CMTEDD, Response to a Question Taken on Notice, No. 6, 16 April 2019.

50 Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 22.



3.54 In response, Mr Strachan noted that for the 2018–19 financial year to 27 March 2019, 'we have had 14 contracts with eight Aboriginal and Torres Strait Islander businesses, worth about \$14 million. That is including both goods and services and capital. Of that, the majority of the contracts have been in the construction industry, for about \$12.5 million to date'.⁵¹

3.55 The directorate provided further information, on notice:

The 14 contracts stated were contracts that were current within the 2018–19 financial year to 27 March 2019. Four contracts out of a total of five contracts were executed with Aboriginal and Torres Strait Islander businesses between the 2018 Elected Body Hearing to the 2019 Hearing on 28 March 2019.

*Following further analysis, the value of total contracts with Aboriginal and Torres Strait Islander enterprises is \$8.8 million, of which \$8.4 million are for capital works projects.*⁵²

Cultural tourism

3.56 The Elected Body asked what options existed for new strategies to maximise the use of the Yarramundi Cultural Centre for its intended purpose.

3.57 Ms Arthy told the Elected Body that the directorate had held talks with Indigenous tourism operators, Tyrone Bell and Adam Shipp, 'working out what can we do together to make Yarramundi a real focal point of cultural tourism and to really showcase the offering'.⁵³

3.58 She said that the directorate had applied for a grant under the Commonwealth's Building Better Regions Fund to undertake a business case for this purpose, but that the application was unsuccessful.⁵⁴

3.59 In lieu of this funding, she told the Elected Body of measures the directorate is undertaking:

*The thing that we are working on with Mr Bell is whether there are ways that within the current footprint that we can have it as an attractive meeting point for the Indigenous tours that are run by Dharwra. Is there a way that we can provide some form of visitor desk so that people who are on those tours can actually get information on tourism? We are looking at the feasibility of whether we can locate Thunderstone and the Dharwra tours at Yarramundi at the moment while we sort out the longer term thing.*⁵⁵

3.60 Asked whether the government plans to liaise with the UNEC on promoting Indigenous tourism opportunities, Ms Arthy stated that it does, but that talks were still informal. She told the Elected Body that 'if there is a desire from the community to come into that, I am more than happy to go and talk to them at this very informal stage. But definitely once we get to a formal process, I would say yes'.⁵⁶

ACT Data Analysis Centre

3.61 The Elected Body asked the directorate to explain, in finalising the ACT Data Analysis Centre, what the strategy is to communicate with and record the activity of Aboriginal and Torres Strait Islander people in the ACT. It wanted to know if the centre is an opportunity to improve business intelligence.

3.62 The directorate explained, on notice, that the government 'collects and stores a diverse range of information about people, including Aboriginal and Torres Strait Islander people'. It said this 'data is currently stored in multiple individual systems and used for the delivery of specific services'. The response said that 'although the ACT Data

51 Mr Shuan Strachan, Deputy Under Treasurer, *Transcript of evidence*, 28 March 2019, p. 12.

52 Mr David Nicol, Under Treasurer, CMTEDD, Response to a Question Taken on Notice, No. 17, 17 April 2019.

53 Ms Kareena Arthy, Deputy Director-General, Economic Development, *Transcript of evidence*, 28 March 2019, p. 12.

54 Ms Kareena Arthy, Deputy Director-General, Economic Development, *Transcript of evidence*, 28 March 2019, p. 12.

55 Ms Kareena Arthy, Deputy Director-General, Economic Development, *Transcript of evidence*, 28 March 2019, p. 13.

56 Ms Kareena Arthy, Deputy Director-General, Economic Development, *Transcript of evidence*, 28 March 2019, p. 13.



Analysis Centre is not currently working on any projects that specifically relate to Aboriginal and Torres Strait Islander people, it is developing the capability within the ACT Government to combine multiple data sets together to provide a much richer picture of how to better tailor services to individuals and families'.⁵⁷

- 3.63 The directorate noted that the Chief Digital Officer is developing a whole-of-government data governance and management framework which will 'include identification of data sets that identify or collect information on Aboriginal and Torres Strait Islander people and understanding what the data are currently used for'.⁵⁸

artsACT funding

- 3.64 The Elected Body asked how many Aboriginal and Torres Strait Islander people have been successful in gaining artsACT funding and whether this has increased compared to earlier years.
- 3.65 Ms Sam Tyler, Executive Branch Manager, artsACT, informed the Elected Body that four Aboriginal and Torres Strait Islander people received grant in 2018.⁵⁹ The directorate confirmed, on notice, that the number of funding recipients had increased and that an additional out-of-round applicant had also been successful.⁶⁰
- 3.66 Ms Tyler told the Elected Body that the 2018 outcomes was the highest number of successful Aboriginal and Torres Strait Islander applicants. She also noted that 'we have implemented having Aboriginal and Torres Strait Islander people on our peer panels who assess grants, to try to make sure that those applicants are assessed in an appropriate way'.⁶¹
- 3.67 The four successful Aboriginal and Torres Strait Islander applicants represented to 7.8 per cent of successful applicants. Of the 12 successful out-of-round applications, one was an Aboriginal and Torres Strait Islander artist/organisation representing 8.3 per cent of successful applicants.⁶² Aboriginal and Torres Strait Islander recipients of artsACT grants are detailed in Table 1 below.

Table 1: artsACT funding outcomes for Aboriginal and Torres Strait Islander artists⁶³

| Name | Grant purpose | Amount | Category | Artform |
|-----------------|---|----------|--------------|-------------|
| Cross, Dean | Research a group of paintings 'Ghost River', 2018 | \$5,000 | Project | Visual arts |
| Fuller, Lisa | Skill development and mentoring workshops for <i>Us Mob</i> writing group, 2018 | \$19,570 | Project | Literature |
| Goldwin, Chella | Researching and writing a book in Torres Strait Meriam Mir and English, 2018 | \$22,124 | Project | Literature |
| McQuire, Hayley | Blak Writes Indigenous Youth Writing workshop, 2018 | \$15,026 | Project | Literature |
| Cross, Dean | Travel to Perth, WA, to oversee exhibition installation at Hatched 2018 | \$1,890 | Out-of-round | Visual arts |

- 3.68 The Elected Body noted the recent appointment of the Indigenous Arts Officer at artsACT and asked what the community can expect the role to deliver.
- 3.69 Ms Tyler provided the Elected Body with information on the new officer and her role:

Brenda Gifford is the officer... She started on 7 January in artsACT. Her position is, in the first instance, looking at delivery of the action plan that was released following the consultation period that we had during 2017 and 2018. Part of that is around working with community across government and with our Aboriginal and Torres Strait Islander arts network to deliver programs that are looking at supporting culture, connecting community and telling stories. There are also

57 Ms Bettina Konti, Chief Digital Officer, Response to a Question Taken on Notice, No. 19, 16 April 2019.

58 Ms Bettina Konti, Chief Digital Officer, Response to a Question Taken on Notice, No. 19, 16 April 2019.

59 Ms Sam Tyler, Executive Branch Manager, artsACT, *Transcript of evidence*, 28 March 2019, p. 34.

60 Ms Kareena Arthy, Deputy Director-General, Economic Development, Response to a Question Taken on Notice, No. 9, 16 April 2019.

61 Ms Sam Tyler, Executive Branch Manager, artsACT, *Transcript of evidence*, 28 March 2019, p. 34.

62 Ms Kareena Arthy, Deputy Director-General, Economic Development, Response to a Question Taken on Notice, No. 16, 16 April 2019.



*particular elements of those programs that are focused on Ngunnawal stories and making sure that there is connection to elders in the Ngunnawal community.*⁶⁴

3.70 The Elected Body asked about the requirement for funded arts organisations to identify activities being undertaken to engage with Aboriginal and Torres Strait Islander artists and organisations. It wanted to know how compliance is undertaken in relation to this and the number of event/activities that have happened.

3.71 This question was taken on notice and the response detailed:

Many funded arts organisations provide programs and services that support Aboriginal and Torres Strait Islander peoples including the Canberra Glassworks; Belconnen, Gorman House and Tuggeranong Arts Centres; and at Megalo Print Studio + Gallery, M16 ArtSpace, PhotoAccess and QL2 Dance.

- a) *Compliance for this reporting is managed through the Deed of Grant which has provisions of funding requirements (including reporting and acquittals) are not met.*
- b) *In 2017 (the most up-to-date acquittal information), there were 29 activities identified by funded organisations.*⁶⁵

Women in Trades program

3.72 The Elected Body then sought information on how the Women in Trades program is increasing the number of Aboriginal and Torres Strait Islander women in trades.

3.73 Ms Josephine Anderson, Executive Branch Manager, Skills Canberra, explained that there had been one round of the program to date and figures on the participation of Aboriginal and Torres Strait Islander people were unavailable.⁶⁶

Aboriginal and Torres Strait Islander Business Development and Entrepreneurship program

3.74 The Elected Body asked about the impact of the Aboriginal and Torres Strait Islander Business Development and Entrepreneurship program, specifically whether the program had led to participants being able to get more work.

3.75 Ms Arthy told the Elected Body that the University of Canberra is currently reviewing the program and that 'coming out of that we will have a better idea about impact because that would then help guide us to set up the next program, which we are hoping to do quite shortly'.⁶⁷

3.76 Mr Craig Harrison, Executive Branch Manager, Innovation, Industry and Investment, provided more information on the outcomes of the program:

*In the last quarter of the first year that it has been taking place, one entrepreneur got her first \$25,000 contract after establishing her business. Another female entrepreneur's business turnover has grown from \$500 per month to \$5,000 per month since she has been working with the program. That is directly attributed to part of the program's outputs and outcomes.*⁶⁸

3.77 The Elected Body noted that for this program, one key performance indicator—internships and traineeships—had not been met and asked for more information about this.

3.78 Mr Harrison responded that: 'the target was five and we have not secured any at the moment. But... this is definitely a work in progress. And the good news is that the rest of the targets we met, so we can focus on that one particular one'.⁶⁹

64 Ms Sam Tyler, Executive Branch Manager, artsACT, *Transcript of evidence*, 28 March 2019, p. 16.

65 Ms Kareena Arthy, Deputy Director-General, Economic Development, Response to a Question Taken on Notice, No. 10, 18 April 2019.

66 Ms Josephine Anderson, Executive Branch Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 18.

67 Ms Kareena Arthy, Deputy Director-General, Economic Development, *Transcript of evidence*, 28 March 2019, p. 21.

68 Mr Craig Harrison, Executive Branch Manager, Innovation, Industry and Investment, *Transcript of evidence*, 28 March 2019, p. 22.

69 Mr Craig Harrison, Executive Branch Manager, Innovation, Industry and Investment, *Transcript of evidence*, 28 March 2019, p. 22.



Australian Apprenticeship and Skilled Capital programs

- 3.79 The Elected Body sought information about the attainment and completion levels for Aboriginal and Torres Strait Islander people under the Australian Apprenticeship and Skilled Capital programs.
- 3.80 Ms Andersen told the Elected Body that the 'completion retention rates are similar to or better than all Australian apprentices and/or students enrolled in Skilled Capital course' (see Table 2⁷⁰ below):

Table 2: Apprenticeship retention rates (%)

| | 2016 | 2017 | 2018 |
|---|------|------|------|
| Aboriginal and Torres Strait Islander apprentices | 55% | 61% | 79% |
| All Australia apprentices | 54% | 60% | 80% |

- 3.81 In relation to the retention rate by qualification, Ms Andersen provided information as contained in Table 3:⁷¹

Table 3: Apprenticeship retention rate (%) by qualification

| | Cert II | Cert III | Cert IV | Diploma + high-level |
|--|---------|----------|---------|----------------------|
| Aboriginal and Torres Strait Islander learners | 94% | 75% | 83% | 81% |
| All learners | 89% | 76% | 85% | 87% |

- 3.82 In relation to the retention rate for learners enrolled in courses funded through the Skilled Capital program, Ms Andersen provided information as contained in Table 4:⁷²

Table 4: Retention rate (%) for learners funded under the Skilled Capital program

| | 2016 | 2017 | 2018 |
|--|------|------|------|
| Aboriginal and Torres Strait Islander learners | 69% | 52% | 92% |
| All learners | 56% | 73% | 85% |

- 3.83 Additionally, Ms Andersen informed the Elected Body that 'for skill set qualifications, for Aboriginal and Torres Strait Islander learners the retention rate was 100 per cent, and for diploma and high-level qualifications the retention rate was also 100 per cent'.⁷³

RECOMMENDATION 8

- 3.84 **The Elected Body recommends that the CMTEDD develop a mechanism to capture the attainment rate for Aboriginal and Torres Strait Islander people participating in the Australian Apprenticeship and Skilled Capital programs.**

Sport and recreation

Indigenous Sports Grants program

- 3.85 The Elected Body asked about support for Indigenous participation in sports and, specifically, the number of Aboriginal and Torres Strait Islander people accessing assistance through the Indigenous Sports Grants program.

70 Ms Josephine Anderson, Executive Branch Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 28.

71 Ms Josephine Anderson, Executive Branch Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 28.

72 Ms Josephine Anderson, Executive Branch Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 28.

73 Ms Josephine Anderson, Executive Branch Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, p. 28.



- 3.86 Ms Arthy informed the Elected Body that 'since 2015 we have had over 650 people supported. Since the beginning of this financial year, there have been 138 people who have been supported, and we are expecting a significant uptick in that as we come into winter'.⁷⁴
- 3.87 The Elected Body asked whether these figures were for individual participants or included people who may have accessed the program more than once.
- 3.88 This question was taken on notice. The response outlined that:
*Out of 600 applications, there were 427 unique applicants and 173 duplicate applicants.*⁷⁵
- 3.89 Ms Rebecca Kelley, Executive Branch Manager, Sports and Recreation, explained to the Elected Body how the program had changed since its commencement. She said the program had been initially run by the directorate and its various networks, an approach that resulted in only 288 applications in the first two years. Since 2017, the directorate had begun working more closely with sporting organisations who were able to connect with Indigenous members. This had saw a significant uptake in applications, with 368 for that year.⁷⁶
- 3.90 The Elected Body then asked how funding is provided — directly to the sporting organisation or as a reimbursement to individual participants.
- 3.91 Ms Kelley explained that the 'applicant needs to work with the sporting organisation; then we reimburse the sporting organisation' and that 'the applicant is not required to pay the club; the club will basically pay the team's registration fees, if you like, and carry that on behalf of the applicant until the club is reimbursed'.⁷⁷
- 3.92 The Elected Body recounted information it had heard from the community that some people had paid up-front fees and then been subsequently reimbursed. It noted that such a model does not help people who may face difficulties coming up with money to pay up-front fees. It asked for confirmation about how program funding is delivered and the assurances around that.
- 3.93 This question was answered in a Response to a Question Taken on Notice:
*Of the eight local sporting organisations that were provided direct funding in 2018 to operate and promote the Indigenous Small Grants program within their existing network and registration framework, only rugby union and football (soccer) (through the sport's national registration systems) currently provide a reimbursement to participants. All others reflect the subsidy amount by reducing the amount initially payable.*⁷⁸
- 3.94 The response noted that 'the manner by which the subsidy was initially implemented last year did differ given seasonal timings and the establishment of administrative processes within the sport. It is understood that last year some applicants through these sports did receive the benefit as a reimbursement'. It also said that for sports outside of the eight supported, many of these organisations 'require upfront payment for participant registration, in which case the subsidy would benefit the individual as a reimbursement'.⁷⁹
- 3.95 The Elected Body wanted to know if the program could include Indigenous-specific basketball, softball, rugby league, and netball organisations, including support for organisation governance and establishment and holding cultural and sports carnivals.
- 3.96 The directorate told the Elected Body that there was funding available through the sport and recreation grants program. The Elected Body was informed, on notice, that:

74 Ms Kareena Arthy, Deputy Director-General, Economic Development, *Transcript of evidence*, 28 March 2019, p. 23.

75 Ms Kareena Arthy, Deputy Director-General, Economic Development, Response to a Question Taken on Notice, No. 13, 16 April 2019.

76 Ms Rebecca Kelley, Executive Branch Manager, Sports and Recreation, *Transcript of evidence*, 28 March 2019, p. 24.

77 Ms Rebecca Kelley, Executive Branch Manager, Sports and Recreation, *Transcript of evidence*, 28 March 2019, p. 24.

78 Ms Kareena Arthy, Deputy Director-General, Economic Development, Response to a Question Taken on Notice, No. 14, 16 April 2019.



Since the commencement of the Partnered Programs supported through the Indigenous Advancement Strategy in 2016, there have been no funding applications to the Sport and Recreation Grants Program from Aboriginal and Torres Strait Islander specific organisations.⁸⁰

- 3.97 The Elected Body noted that there may be some confusion concerning eligibility criteria for the program if a sporting organisation is run from interstate and does not have familiarity with the ACT community. Specifically, the Elected Body raised a case where an organisation was requesting confirmation of descent from an Aboriginal land council. The Elected Body was concerned that an applicant may be rejected unless they could prove Aboriginal and Torres Strait Islander descent certified by a land council, as opposed to other similar certificates. It asked how the government advises organisations on this issue.
- 3.98 In response, Ms Kelley said that 'a certificate of Aboriginality needed to be provided, noting that they may come in a variety of forms'. She added that such a certificate 'just needs to be provided with their registration form... That is the extent of the process'. She noted that this issue had not been raised with the directorate.⁸¹

Cultural awareness within the CMTEDD

- 3.99 The Elected Body sought information about the number of incidents of racism reported in the directorate each year, and how these incidents were reported.
- 3.100 Mr Wright said that no incident of racism had been reported to HR in the last 12 months. He explained that the directorate uses a variety of different internal reporting mechanisms:
- Matters of discrimination follow the path that we would go through for bullying and harassment complaints. We do a preliminary assessment if those matters come up and then we follow through the requirements of the enterprise agreement in Section 9 and the code of conduct and the like. Those matters have been taken very seriously.⁸²*
- 3.101 The Elected Body then asked how many Smoking, Welcome to Country and Water Ceremonies were undertaken at construction sites in the past 12 months and was informed, on notice, that 'a Welcome to Country was undertaken at the opening of Gungahlin Walk-in Centre, held on Monday 3 September 2018' and 'on Monday 15 October 2018, a Smoking Ceremony and a Welcome to Country were undertaken at the ACT Law Courts construction site'.⁸³

Sites of significance for Aboriginal and Torres Strait Islander people

- 3.102 The Elected Body asked if there was a process in place for Ngunnawal people to undertake an audit of new building works to identify any sites of significance.
- 3.103 Mr Dave Pepper, Deputy-Director, Access Canberra, said that while there was no process in place for established sites, 'for greenfield developments on the fringes of the city there is a process in place'. He continued: 'It is covered as part of a cultural heritage assessment which looks as a broad range of issues... An assessment is undertaken on each proposal to identify whether there are areas of significance that may require appropriate preservation, care or maintenance depending on the nature of the development to occur'.⁸⁴
- 3.104 He explained that as part of the development assessment process the views of the Heritage Council are taken into account: 'one of the Council's members is an Aboriginal person appointed for that very purpose'.⁸⁵
- 3.105 The Elected Body emphasised the importance of ensuring Ngunnawal input into this process and asked if the Aboriginal Heritage Council member is Ngunnawal?

81 Ms Rebecca Kelley, Executive Branch Manager, Sports and Recreation, Transcript of evidence, 28 March 2019, pp. 26-27.

82 Mr Robert Wright, Executive Group Manager, Skills Canberra, Transcript of evidence, 28 March 2019, p. 9.

83 Mr David Nicol, Under Treasurer, CMTEDD, Response to a Question Taken on Notice, No. 4, 18 April 2019.

85 Mr Dave Pepper, Deputy-Director, Access Canberra, Transcript of evidence, 28 March 2019, p. 30.

3.106 Mr Pepper said the council member — Mr Gary Shipp — was a Wiradjuri man and ACT resident since 1975. In a Response to a Question Taken on Notice, the directorate explained that the Heritage Council was established under the *Heritage Act 2004*, which requires the appointment of a representative of the Aboriginal community but does not require that this person be of Ngunnawal descent.⁸⁶

3.107 The response provided the following additional information:

Consultation with Ngunnawal community on Aboriginal heritage matters occurs through the Representative Aboriginal Organisation (RAOs) system established under the Act. RAOs are consulted on issues relating to Aboriginal interpretation, Aboriginal heritage policies, the management of Aboriginal places and objects, heritage assessment for proposed development and all management action for Aboriginal places and objects.

There are four RAOs declared for the Minister being:

- *Buru Ngunnawal Aboriginal Corporate (Ngunnawal)*
- *King Brown Tribal Group (Ngunnawal)*
- *Little Gudenby River Tribal Council (Ngambri/Ngunnawal)*
- *Ngarigu Currawong Clan (Ngarigu).*⁸⁷

Cultural awareness resources

3.108 The Elected Body asked about the cultural awareness resources available to directorate staff in line with the CMTEDD's RAP commitments.

3.109 Mr Wright outlined several initiatives the directorate had undertaken to this end including: displaying acknowledgement of country posters in all meeting rooms; promoting the use of an email signature block — designed in consultation with the UNEC — by staff; and the inclusion of a link to its RAP on the banner of its intranet. He also stated that the directorate had 'a guide from CSD on organising Welcome to Country and the protocols for engaging with Aboriginal and Torres Strait Islander peoples' which was developed with input from the previous Elected Body.⁸⁸

⁸⁶ Mr Dave Pepper, Deputy Director-General, Access Canberra, CMTEDD, Response to a Question Taken on Notice, No. 5, 16 April 2019.

⁸⁷ Mr Dave Pepper, Deputy Director-General, Access Canberra, CMTEDD, Response to a Question Taken on Notice, No. 5, 16 April 2019.

⁸⁸ Mr Robert Wright, Executive Group Manager, Skills Canberra, *Transcript of evidence*, 28 March 2019, pp. 30–31.



Topics of discussion during hearings

- 4.1 The Elected Body asked representatives from the Canberra Institute of Technology (CIT) questions relating to:
 - Student outcomes
 - Employment of Aboriginal and Torres Strait Islander staff and procurement of Aboriginal and Torres Strait Islander businesses
 - Cultural awareness within the CIT and support for Aboriginal and Torres Strait Islander students.

Key issues

Student outcomes

- 4.2 The Elected Body asked CIT representatives to update them on how Aboriginal and Torres Strait Islander students are tracking as they move into further studies or employment.
- 4.3 Ms Leanne Cover, Chief Executive Officer, CIT, explained that she could provide specific details on which courses and what levels students are enrolled in, but explained that: ‘...we do not have a formal mechanism to track, monitor and keep connected to the students once they have actually left the institution... because there are no formal arrangements between institutions and the private and public sector for that to happen’.⁸⁹
- 4.4 However, Ms Cover highlighted the ‘outstanding employment outcomes of the CIT students collectively compared to the national outcomes. Our results there are 81.5 per cent for 2017, which is higher than the 73.3 per cent for the year before’. She later explained that this data was gathered through a national data collection, where students are contacted and asked to provide information.⁹⁰
- 4.5 She noted that ‘the Aboriginal and Torres Strait Islander cohort are part of that broader collective, but we do not have a specific tracking mechanism for the employment outcomes’. In terms of gaining Aboriginal and Torres Strait Islander-specific data on employment outcomes, she informed the Elected Body that: ‘...this year what we are going to attempt to do is contact every student who has identified as Aboriginal and Torres Strait Islander who has been enrolled at CIT in the past and ask them whether they are prepared to tell us a little bit about their employment journey and story’.⁹¹
- 4.6 The Elected Body noted the success of the Commonwealth Department of Human Services’ Indigenous Apprenticeships Program which is run through CIT Solutions. It also highlighted ACT Government commitments under the *Aboriginal and Torres Strait Islander Agreement 2019–2028* for the growth, retention and progression of Aboriginal and Torres Strait Islander people within the ACT Public Service. It asked whether the ACT Government had considered leveraging the Commonwealth Indigenous Apprenticeships Program to pursue this commitment.
- 4.7 Mr Paul Ryan, Executive Director, Industry Engagement and Strategic Relations, replied: ‘Not to my knowledge, but it is certainly something we could explore’.⁹²

89 Ms Leanne Cover, Chief Executive Officer, CIT, *Transcript of evidence*, 28 March 2019, p. 42.

90 Ms Leanne Cover, Chief Executive Officer, CIT, *Transcript of evidence*, 28 March 2019, pp. 42–43.

91 Ms Leanne Cover, Chief Executive Officer, CIT, *Transcript of evidence*, 28 March 2019, pp. 42–43.

92 Mr Paul Ryan, Executive Director, Industry Engagement and Strategic Relations, *Transcript of evidence*, 28 March 2019, p. 48.



RECOMMENDATION 9

- 4.8 **The Elected Body recommends the ACT Government work with CIT Solutions to develop a strategy for the ACT Public Service to leverage the Commonwealth Indigenous Apprenticeship Program for recruitment of Aboriginal and Torres Strait Islander people into the ACT Public Service.**

Employment of Aboriginal and Torres Strait Islander staff and procurement of Aboriginal and Torres Strait Islander Businesses

- 4.9 The Elected Body asked how many Aboriginal and Torres Strait Islander staff are employed by the CIT and the basis on which they were employed (full-time, part-time or casual).
- 4.10 Ms Cover, told the Elected Body that there were 18 full-time equivalent Aboriginal and Torres Strait Islander employees across CIT, ten of whom were employed in identified positions. These ten identified positions were in the Yurauna Centre. In response to a further question, she added that the figure of 18 was out of a total full-time equivalent staff of 680.⁹³
- 4.11 The Elected Body asked how many Aboriginal and Torres Strait Islander contracts or procurements CIT had had over the last 12 months and was told that 'currently, CIT has one contract and CIT Solutions has three contracts with Aboriginal and Torres Strait Islander contractors'.⁹⁴

Cultural awareness within CIT and support for Aboriginal and Torres Strait Islander students

Cultural competency training

- 4.12 The Elected Body asked about the number of staff who had completed cultural competency or integrity training and was provided the following response on notice:

CIT offers cultural awareness training to CIT staff at least four times per year. Each session runs between 3.5 hours to 6 hours.

*CIT's cultural awareness training includes the eight Aboriginal Ways of Learning and additional, specific training to suit each college of division.*⁹⁵

Supports for Aboriginal and Torres Strait Islander students

- 4.13 The Elected Body asked what types of supports were available for Aboriginal and Torres Strait Islander students, including the role of the Yurauna Centre.
- 4.14 Ms Cover responded that, in relation to the way staff engage with the Yurauna Centre, 'there is obviously a heightened awareness around Aboriginal and Torres Strait Islander needs by the broader CIT community'. She added: 'You will see at our student service hubs, where students come to enrol, that our staff wear badges. These have been designed by the Yurauna Centre in terms of trying to get awareness around opportunities and cultural issues there'. She mentioned other subtle awareness activities that the CIT undertakes and noted that when students 'are first looking to come into the CIT, there is lots of obvious visibility that we have services that are dedicated specifically through the Yurauna Centre'.⁹⁶

93 Ms Leanne Cover, Chief Executive Officer, CIT, *Transcript of evidence*, 28 March 2019, p. 40.

94 Ms Leanne Cover, Chief Executive Officer, CIT, Response to a Question Taken on Notice, No. 5, 17 April 2019.

95 Ms Leanne Cover, Chief Executive Officer, CIT, Response to a Question Taken on Notice, No. 7, 17 April 2019.

96 Ms Leanne Cover, Chief Executive Officer, CIT, *Transcript of evidence*, 28 March 2019, p. 43.



- 4.15 When asked about CIT redevelopment plans and the place of the Yurauna Centre in those plans, Ms Cover said that planning was yet to start. She told the Elected Body that there was a subcommittee in place 'looking at our campus renewal plans and activities' and that any development 'should be culturally sensitive'.

RECOMMENDATION 10

- 4.16 **The Elected Body recommends that in any future redevelopment of the CIT that the Yurauna Centre stays in a prominent, central and easily accessible location.**

Diversity information on advisory committees

- 4.17 The Elected Body asked of the various advisory committees providing input to CIT programs and the needs of students, how many had Aboriginal and Torres Strait Islander members? The institute advised that, other than for the Aboriginal and Torres Strait Islander Advisory Committee, it does not collect this information.⁹⁷

Elected Body comment

- 4.18 The Elected Body notes that improvements can be made to the integrity and scope of the type of diversity data collected by all ACT Government directorates and agencies (see 'Recommendation 3', Chapter 2).

Incorporating Aboriginal and Torres Strait learnings into the curriculum

- 4.19 The Elected Body asked how Aboriginal and Torres Strait Islander learnings are incorporated into curriculum development.
- 4.20 Ms Cover explained that some courses, such as aged care, child care and nursing have 'mandatory units of competency', but trades course, such as electrician and plumbing courses, did not. She said that 'that is where we are always looking for other opportunities to either work directly with our teaching staff about their competency and currency around cultural awareness or to use the Yurauna Centre to support the students and/or staff to gain that awareness or increase the context for students if that is relevant for their course'.⁹⁸

Incidents of racism

- 4.21 The Elected Body asked, for the calendar year 2018, how many incidents of racism were reported by students and how any incidents were addressed.
- 4.22 In a Response to a Question Taken on Notice, CIT indicated that there was one incident of racism reported by a student in 2018.⁹⁹
- 4.23 The Elected Body asked how the CIT deals with matters concerning racism that may not be directly related to CIT processes or service delivery but from more general community perspectives.
- 4.24 Ms Cover replied that CIT staff have strong connections to 'the broader support services and facilities that sit outside' and that 'whenever we are giving feedback to a particular person we always refer them to other places they can go to get other assistance'.¹⁰⁰
- 4.25 Ask about the resources provided to staff to ensure they know to whom and where to refer people, Ms Cover indicated there was a range of information sources available to assist staff to help students gain access to appropriate supports. Mr Ryan added that there 'are counsellors within student support that students can go to for confidential support and that counselling support is outside of the structures they might normally be in'.¹⁰¹

97 Ms Leanne Cover, Chief Executive Officer, CIT, Response to a Question Taken on Notice, No. 8, 17 April 2019.

98 Ms Leanne Cover, Chief Executive Officer, CIT, *Transcript of evidence*, 28 March 2019, p. 46.

99 Ms Leanne Cover, Chief Executive Officer, CIT, Response to a Question Taken on Notice, No. 3, 17 April 2019.

100 Ms Leanne Cover, Chief Executive Officer, CIT, *Transcript of evidence*, 28 March 2019, p. 50.

101 Ms Leanne Cover, Chief Executive Officer, CIT and Mr Paul Ryan, Executive Director, Industry Engagement and Strategic Relations, *Transcript of evidence*, 28 March 2019, p. 50.

5 COMMUNITY SERVICES DIRECTORATE



Topics of discussion during hearings

- 5.1 The Elected Body asked representatives from the Community Services Directorate (CSD) questions relating to:
- Preserving and restoring Aboriginal and Torres Strait Islander families
 - Housing
 - Family and domestic violence
 - Youth justice
 - Employment of Aboriginal and Torres Strait Islander people within CSD
 - Cultural awareness within CSD
 - Child protections
 - Disability support
 - Young people
 - Boomanulla Oval
 - *Community Services Industry Relationship and Reform Strategy* and cultural competency in the community sector.

Key issues

Preserving and restoring Aboriginal and Torres Strait Islander families

- 5.2 In its list of questions for the directorate, the Elected Body highlighted four priority areas, the first of which was preservation and restoration services for Aboriginal and Torres Strait Islander families. The Elected Body wanted to know what measures the directorate will take over the next 100 days to address this issue.
- 5.3 Ms Helen Pappas, Senior Director, Practice and Performance, informed the Elected Body of progress since the implementation of the *A Step Up for Our Kids* strategy. When speaking of preservation work, she said that through the implementation of the strategy, the Uniting Children and Families program had been brought into the ACT for the first time. She also noted work being done by Gugan Gulwan with OzChild in the space of Functional Family Therapy.¹⁰²
- 5.4 Ms Pappas said these programs will continue over the next 100 days. She told the Elected Body that the Functional Family Therapy program was relatively new and that directorate staff were meeting fortnightly with the OzChild team leader and cultural adviser to embed the program within the directorate.¹⁰³

¹⁰² Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 54.

¹⁰³ Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, pp. 54–55.

5.5 She explained the type of work being undertaken:

It is about talking with caseworkers, identifying families as early as possible and getting those families referred out to that program. Then the family group conferencing program is the other thing we are going to continue to focus on and continue to mature. The model has been in place in the ACT for 12 months. We had a pilot and we were successful in getting some permanent ongoing funding for those positions. We have recruited to those positions permanently. Now it is about training, embedding and moving from an opt-in referral process to an opt-out.¹⁰⁴

5.6 The Elected Body asked how many Aboriginal and Torres Strait Islander children had been restored to their families in the last two years, broken down by children on short-term and long-term orders.

5.7 Ms Pappas provided the following information, as contained in Table 5:¹⁰⁵

Table 5: Aboriginal and Torres Strait Islander children exiting care

| | 2016–17 | | 2017–18 | | 2018–19 (to date) | |
|--|---------|------|---------|------|-------------------|------|
| | No. | % | No. | % | No. | % |
| Aboriginal and Torres Strait Islander children | 35 | 24% | 23 | 18% | 17 | 30% |
| All children | 145 | 100% | 131 | 100% | 56 | 100% |

5.8 Ms Pappas commented that the figures contained in Table 5 reflected the number of Aboriginal and Torres Strait Islander children who have been on both short-term and long-term orders 'and a combination of kids who have been restored because that is the right thing to do'. She added that the figure also reflected 'kids who had aged out or have made some different decisions about where they want to live'.¹⁰⁶

5.9 The directorate provided additional information in a Response to a Question Taken on Notice:

During 2016–17, 20 Aboriginal and Torres Strait Islander children were restored to their birth families, three on long-term orders and 17 on short-term orders.

During 2017–18, eight Aboriginal and Torres Strait Islander children were restored to their birth families, all on short-term orders.¹⁰⁷

5.10 In response to a follow-up question, Ms Pappas informed the Elected Body that the proportion of Aboriginal and Torres Strait Islander children in care is dropping at around the same rate as non-Aboriginal and Torres Strait Islander children.¹⁰⁸

5.11 Asked whether these reductions were the result of strategies implemented by the directorate, Ms Pappas replied that 'I think it is a combination of things'. She noted the impact of newly established programs (mentioned above), collaborative work with Curijo, staff training through the Secretariat of National Aboriginal and Islander Child Care (SNAICC) and the impact of the cultural services team.¹⁰⁹

Housing

5.12 The second priority area identified in the list of questions to the directorate was the ACT Housing Strategy, and in particular, diversionary housing including disability, high needs disability, and for those experiencing family and domestic violence, and what measures will be taken over the next 100 days to address this area.

¹⁰⁵ Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 65.

¹⁰⁶ Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 65.

¹⁰⁷ Ms Rebecca Cross, Director-General, CSD, Response to a Question Taken on Notice, No. 9, 23 April 2019.

¹⁰⁸ Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 65.

¹⁰⁹ Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 65.



- 5.13 When asked about this issue, Ms Louise Gilding, Executive Director, Housing ACT, responded: 'One of the key things that we are looking to do in the next 100 days is work out the commitment that we have made under the housing strategy but also under our priority action areas around a community participation approach to understand housing needs and requirements within the Aboriginal and Torres Straits Islander community'.¹¹⁰
- 5.14 In doing this, she explained, Housing ACT would speak with the Elected Body and the Aboriginal and Torres Strait Islander community to embed cultural understanding within the agency's day-to-day operation, 'particularly our operational policies in terms of what kinship principles look like in terms of eligibility for housing, in terms of transfer for housing'.¹¹¹
- 5.15 Ms Gilding added that another measure being progressed under the Housing Strategy was 'developing the capability for an Indigenous-controlled organisation and a housing provider'. On this, she noted that 'we have had meetings in the past 12 months with Yeddung, Good Pathways, which is an Indigenous organisation that we are working collaboratively with to see how we can actually support it and how we labour together to achieve that outcome for the community'.¹¹²
- 5.16 On diversionary housing, Ms Gilding explained that ACT Housing was working with the Justice and Community Safety Directorate (JACS) 'on the drug and alcohol court and hope to have a program working with what we bring to the table, which is houses, in terms of designing support'. The Elected Body was informed that this will be up and running by the end of 2019.¹¹³
- 5.17 The Elected Body was also advised that ACT Housing was working with JACS on a justice housing program, 'particularly for detainees exiting the AMC [Alexander Maconochie Centre]'. This includes trauma and drug and alcohol support services for those exiting the AMC.¹¹⁴

Family and domestic violence

- 5.18 The third priority identified by the Elected Body was measures, over the next 100 days, to improve the government response to family and domestic violence and the impact of these on the Aboriginal and Torres Strait Islander community.
- 5.19 Responding to this issue, Ms Jo Wood, Coordinator-General for Family Safety, informed the Elected Body that the directorate had specific commitments to respond to from the 2009 *We Don't Shoot Our Wounded*¹¹⁵ report and the 2017 community forum report. She acknowledged that since 2009, 'the fact that there has not been a formal government response in that time has caused great distress and disappointment in the community'.¹¹⁶
- 5.20 She stated that the directorate's 'first priority is to work with ministers, the Elected Body, and the new Domestic Violence Prevention Council Aboriginal and Torres Strait Islander reference group and anyone who contributed to *We Don't Shoot Our Wounded* who wants to participate to shape that commitment and set a framework for taking that work forward'. As a first step towards action, she explained the need to get 'that commitment clearly on the record and really visible to community and then working with people on some early actions but also taking forward a longer-term work plan coming out of the *We Don't Shoot Our Wounded* recommendations'.¹¹⁷

110 Ms Louise Gilding, Executive Director, Housing ACT, *Transcript of evidence*, 28 March 2019, p. 56.

111 Ms Louise Gilding, Executive Director, Housing ACT, *Transcript of evidence*, 28 March 2019, pp. 56–57.

112 Ms Louise Gilding, Executive Director, Housing ACT, *Transcript of evidence*, 28 March 2019, p. 57.

113 Ms Louise Gilding, Executive Director, Housing ACT, *Transcript of evidence*, 28 March 2019, p. 57.

114 Ms Louise Gilding, Executive Director, Housing ACT, *Transcript of evidence*, 28 March 2019, p. 58.

115 ACT Victims of Crime Coordinator 2009, *We Don't Shoot Our Wounded*, <www.victimssupport.act.gov.au/_data/assets/pdf_file/0010/793396/We_dont_shoot_our_wounded.pdf>, viewed 17 July 2019.

116 Ms Jo Wood, Coordinator-General for Family Safety, *Transcript of evidence*, 28 March 2019, p. 59.

117 Ms Jo Wood, Coordinator-General for Family Safety, *Transcript of evidence*, 28 March 2019, p. 59.



- 5.21 Ms Wood said that the directorate had begun a roll-out of training for frontline staff on domestic and family violence. She explained that this training included 'a recognition of the significant impact of domestic and family violence on Aboriginal and Torres Strait Islander people and the additional barriers Aboriginal and Torres Strait Islander people may face in accessing help and disclosing domestic and family violence'.¹¹⁸
- 5.22 She also mentioned that training for more specialised staff is being designed in consultation with the Domestic Violence Crisis Service. For this, the directorate is 'looking at how we bring in the right expertise to do that content around family violence for Aboriginal and Torres Strait Islander families'.¹¹⁹
- 5.23 The Elected Body then asked what strategies and activities the Family Safety Hub has that are specifically targeted for Aboriginal and Torres Strait Islander people.
- 5.24 Ms Wood explained that the Family Safety Hub had been designed through consultation with frontline staff and Aboriginal and Torres Strait Islander women with the support of Victim Support ACT. She said that this input had 'informed the priorities for the workplan for the Family Safety Hub and, in particular, around ensuring that one of our priorities has to be supporting better capability in culturally competent responses to family violence across the whole system'.¹²⁰
- 5.25 The Elected Body asked how the Family Safety Hub is communicated to members of the Aboriginal and Torres Strait Islander community.
- 5.26 Ms Wood acknowledged that there were challenges around effectively communicating the meaning of the Hub to the community. She noted that the hub was not 'a service delivery hub; it is not a physical place; it is actually a way we are going to bring people together to improve the system for everyone'. She explained, that to get the message of the hub out into the community, 'we actually need to reach people where they have a trusted relationship already. An important priority for us is understanding where those trusted places are, how we work with those trusted people and places and how we get information out in the right form'.¹²¹

RECOMMENDATION 11

- 5.27 **The Elected Body recommends that CSD works collaboratively with Aboriginal and Torres Strait Islander community-controlled organisations to better publicise the meaning, role and activities of the Family Safety Hub within the Aboriginal and Torres Strait Islander community.**

Youth justice

- 5.28 The fourth priority area identified in questions to the directorate was the impact of the *Blueprint for Youth Justice in the ACT 2012–22* on the Aboriginal and Torres Strait Islander community.
- 5.29 When asked about this, Ms Jodie Robinson, Director, Child and Youth Protection Services Operations, explained that the Blueprint was the ACT Government's 'ten-year strategy to look at reducing the rate of children and young people generally involved in the criminal justice system'.¹²²
- 5.30 She noted some of the outcomes for the Aboriginal and Torres Strait Islander community of the Blueprint over the last five years which included: 'a 31 per cent reduction of Aboriginal and Torres Strait Islander young people under youth justice supervision; a 34 per cent reduction of Aboriginal and Torres Strait Islander young people under community-based supervision; a 48 per cent reduction of Aboriginal and Torres Strait Islander young people in detention; a 71 per cent reduction in the average time that Aboriginal and Torres Strait Islander young people spent

118 Ms Jo Wood, Coordinator-General for Family Safety, *Transcript of evidence*, 28 March 2019, p. 59.

119 Ms Jo Wood, Coordinator-General for Family Safety, *Transcript of evidence*, 28 March 2019, p. 59.

120 Ms Jo Wood, Coordinator-General for Family Safety, *Transcript of evidence*, 28 March 2019, p. 83.

121 Ms Jo Wood, Coordinator-General for Family Safety, *Transcript of evidence*, 28 March 2019, p. 84.

122 Ms Jodie Robinson, Director, Child and Youth Protection Services Operations, *Transcript of evidence*, 28 March 2019, p. 55.



- in custody; and a 43 per cent reduction in the rate of Aboriginal and Torres Strait Islander young people under supervision on an average day'.¹²³
- 5.31 Despite these gains, she explained that there remains an over-representation of Aboriginal and Torres Strait Islander young people involved in the youth justice system. Given this, in late 2017, the minister re-established the Blueprint taskforce to provide advice on the priority areas for the remaining five years of the strategy. Over the next 100 days, the taskforce's report will go to the government and within that, 'one of the particular focuses in terms of moving forward will continue to be the over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system'.¹²⁴
- 5.32 The Elected Body asked about the strategy to employ Aboriginal and Torres Strait Islander people across all employment levels at Bimberi and the number of Aboriginal and Torres Strait Islander women employed at Bimberi and in the Women's Information Service.
- 5.33 Ms Christine Murray, Executive Branch Manager, People Management, said that the directorate is in the process of engaging with a recruitment agency 'so that we can focus on broader employment of Aboriginal and Torres Strait Islander people within our directorate'. In relation to Bimberi, she said that 'we are moving to a more structured approach with our recruitment so that we will not do the more rolling, ad hoc process... Our intention is to increase the numbers of Aboriginal and Torres Strait Islander people who are employed into the Bimberi system'.¹²⁵
- 5.34 Ms Murray confirmed that the directorate was trying to engage a local recruitment agency for this purpose.¹²⁶
- 5.35 In a Response to a Question Taken on Notice about the number of Aboriginal and Torres Strait Islander women employed at Bimberi and in the Women's Information Service, the directorate responded that:
- two women who identify as Aboriginal and Torres Islander are employed at Bimberi
 - the Women's Information Service is one role and the person currently in this role does not identify as Aboriginal or Torres Strait Islander.¹²⁷
- 5.36 The Elected Body asked how many Aboriginal and Torres Strait Islander Bimberi clients have cultural care plans.
- 5.37 Ms Robinson said that 'children that are subject to a care and protection order are required to have cultural care plans. Currently there are no Aboriginal and Torres Strait Islander young people in Bimberi that are subject to a care and protection order'.¹²⁸
- 5.38 She explained further how the cultural needs of young people are taken into consideration within the youth justice system and that young people were required to have a youth justice case plan in place within six weeks. This case plan contains an element in relation to culture. Ms Robinson said that 'over the last 12 months, of the seven Aboriginal and Torres Strait Islander young people that were sentenced and in custody, six had that case plan in place within the six-week timeframe'.¹²⁹
- 5.39 She noted that 'we have a family engagement officer at Bimberi and that position is a designated position held by an Aboriginal and Torres Strait Islander woman'. The officer's role includes 'providing access to cultural programs, ensuring the strengthening of families, supporting staff and supporting young people in the centre'.¹³⁰
- 5.40 The Elected Body asked about the directorate's strategy for transitioning young people into education after their release from Bimberi.

123 Ms Jodie Robinson, Director, Child and Youth Protection Services Operations, *Transcript of evidence*, 28 March 2019, p. 55.

124 Ms Jodie Robinson, Director, Child and Youth Protection Services Operations, *Transcript of evidence*, 28 March 2019, p. 56.

125 Ms Christine Murray, Executive Branch Manager, People Management, *Transcript of evidence*, 28 March 2019, p. 79.

126 Ms Christine Murray, Executive Branch Manager, People Management, *Transcript of evidence*, 28 March 2019, p. 80.

127 Ms Rebecca Cross, Director-General, CSD, Response to a Question Taken on Notice, No. 25, 29 April 2019.

128 Ms Jodie Robinson, Director, Child and Youth Protection Services Operations, *Transcript of evidence*, 28 March 2019, p. 80.

129 Ms Jodie Robinson, Director, Child and Youth Protection Services Operations, *Transcript of evidence*, 28 March 2019, p. 80.

130 Ms Jodie Robinson, Director, Child and Youth Protection Services Operations, *Transcript of evidence*, 28 March 2019, p. 80.



5.41 Ms Robinson provided the following response:

The Education Directorate run the education program at Bimberi. It is a school, the Murrumbidgee Education and Training Centre. One hundred per cent of young people in Bimberi are engaged in education programs within the school. The school has a dedicated transition officer and their role is to work with the young person on their education options post release. Some young people, depending on their security classification, are eligible for day release and engage in education programs prior to release and that assists in transitioning back into the community.¹³¹

5.42 In response to a further question, Ms Robinson confirmed that the learning modules provided within Bimberi are equivalent to required study in the wider education system.¹³²

Employment of Aboriginal and Torres Strait Islander people in CSD

5.43 The Elected Body asked how many Aboriginal and Torres Strait Islander people had been part of a directorate selection panel in the last 12 months.

5.44 Ms Murray said that the directorate does not keep data on this.¹³³

5.45 The Elected Body asked how many selection panelists had completed cultural awareness training.

5.46 Ms Murray responded that over the last 12 months the directorate had made an effort to 'ensure every staff member has participated in a variety of cultural awareness training', including an Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) eLearning module one, Core Cultural Learning. One hundred and eighty individuals had completed this training and 163 had completed module two.¹³⁴

5.47 She further explained that such training was mandatory and that because of this 'the assumption is that pretty much every panel will have one person who has completed cultural awareness training'.¹³⁵

Cultural awareness within CSD

Incidents of racism and reporting mechanisms

5.48 The Elected Body asked how many, and how, incidents of racism were reported within the directorate each year.

5.49 Ms Murray replied that the process for dealing with reports of racism was set out in the RED Framework and under the Enterprise Agreement. She told the Elected Body of one incident 'that related to a component of racism' was reported and elaborated on the process for dealing with this:

We require our RED contact officers to upload reports into our system. We also encourage staff who have made reports to enter them into our RiskMan system. If there are particular issues which include racism, it is escalated immediately to my position and also to the manager, employee relations. We immediately commence a preliminary assessment as part of the enterprise agreement to take action against that. That is in relation to the issues, particularly internally. It is the mechanism to resolve staff-to-staff type complaints.¹³⁶

5.50 Speaking about complaints of racism in relation to directorate staff from external sources, Ms Murray said that 'they come across through an internal channel, through the complaints system'. She continued: 'then they come

131 Ms Jodie Robinson, Director, Child and Youth Protection Services Operations, *Transcript of evidence*, 28 March 2019, p. 81.

132 Ms Jodie Robinson, Director, Child and Youth Protection Services Operations, *Transcript of evidence*, 28 March 2019, p. 81.

133 Ms Christine Murray, Executive Branch Manager, People Management, *Transcript of evidence*, 28 March 2019, p. 60; Ms Rebecca Cross, Director-General, CSD, Response to a Question Taken on Notice, No. 2, 30 April 2019.

134 Ms Christine Murray, Executive Branch Manager, People Management, *Transcript of evidence*, 28 March 2019, p. 60.

135 Ms Christine Murray, Executive Branch Manager, People Management, *Transcript of evidence*, 28 March 2019, p. 61.

136 Ms Christine Murray, Executive Branch Manager, People Management, *Transcript of evidence*, 28 March 2019, p. 62.



across to us when they relate to the behaviour of a staff member. . . they get escalated to us so that we can make a decision in relation to the conduct matters and any actions taken'. She informed the Elected Body of one incident reported through this mechanism.¹³⁷

- 5.51 The Elected Body asked how the directorate dealt with allegations of racism relating to different directorates.
- 5.52 Ms Murray indicated that in such cases, the complaint was escalated through the management line and then to her. She recalled one incident where this had happened, in response to which the directorate received advice from the Government Solicitor 'on how we should disclose that information to the directorate that is responsible for the staff member who undertook that'. She confirmed that there was a system and process in place to deal with such incidents.¹³⁸

United Ngunnawal Elders Council

- 5.53 The Elected Body asked about the directorate's strategic plan going forward with the UNEC.
- 5.54 Ms Lisa Charles, Director, Office for Aboriginal and Torres Strait Islander Affairs, responded that upon commencing in her role, she 'met with the UNEC co-chairs to discuss how they have been supported'. She noted two priorities which came out of these discussions: secretarial support and the issue of treaty. She said that the minister had met with UNEC to discuss treaty and that under the Agreement 'there is a commitment to work with the United Ngunnawal Elders Council to better understand treaty'.¹³⁹
- 5.55 On this issue, she also mentioned that she had met with the Victorian Treaty Advancement Commissioner 'to get a better understanding about their process and how they are moving forward in this space'.¹⁴⁰
- 5.56 Additionally, she informed the Elected Body that the UNEC had met recently, and that from this meeting, the Council had provided cultural and heritage advice to government and non-government agencies, it had agreed to its terms of reference, and had agreed to meet with representatives from Victoria 'to talk more about the process in that space'.¹⁴¹

Smoking Ceremonies, Water Blessings and Welcome to Country

- 5.57 The Elected Body asked how many Smoking, Water Blessings and Welcome to Country ceremonies were undertaken throughout the directorate in the last 12 months.
- 5.58 In a Response to a Question Taken on Notice, the directorate outlined that in the last 12 months, there had been 20 Welcome to Country ceremonies, three Smoking Ceremonies and no Water Blessings across the directorate. The response noted that Welcome to Country is common for larger directorate events and that Acknowledgement of Country is provided for at smaller events.¹⁴²
- 5.59 The response also outlined that the directorate 'is currently formalising and expanding cultural protocols which will include the importance and use of Smoking, Water Blessings, and Welcome to Country'.¹⁴³
- 5.60 In relation to Housing ACT, Ms Gilding informed the Elected Body that three Smoking Ceremonies had been conducted in the last six months. She said that 'where we have had to demolish or we are rebuilding, we have done a Smoking Ceremony. . . so that when it comes time to allocating that site in the future, we can actually tell our

137 Ms Christine Murray, Executive Branch Manager, People Management, *Transcript of evidence*, 28 March 2019, p. 62.

138 Ms Christine Murray, Executive Branch Manager, People Management, *Transcript of evidence*, 28 March 2019, p. 62.

139 Ms Lisa Charles, Director, Office for Aboriginal and Torres Strait Islander Affairs, *Transcript of evidence*, 28 March 2019, p. 74.

140 Ms Lisa Charles, Director, Office for Aboriginal and Torres Strait Islander Affairs, *Transcript of evidence*, 28 March 2019, p. 74.

141 Ms Lisa Charles, Director, Office for Aboriginal and Torres Strait Islander Affairs, *Transcript of evidence*, 28 March 2019, pp. 74–75.

142 Ms Rebecca Cross, Director-General, CSD, Response to a Question Taken on Notice, No. 19, 24 April 2019.

143 Ms Rebecca Cross, Director-General, CSD, Response to a Question Taken on Notice, No. 19, 24 April 2019.



Aboriginal and Torres Strait Islander folk that the site has been cleansed'. She stated that the agency is 'looking to take that principle and apply it more broadly across the portfolio'.¹⁴⁴

Cultural competency training

- 5.61 The Elected Body asked about cultural competency training for directorate staff. Specifically, it asked how the number of hours per training session is determined and how this meets the expectations of the Aboriginal and Torres Strait Islander community. It also asked whether the Elected Body or the UNEC was consulted.
- 5.62 Ms Murray told the Elected Body that no consultation had taken place with either the Elected Body or the UNEC. She explained that the 'conversations that we undertook were with our own staff'.¹⁴⁵
- 5.63 Ms Murray noted comments that she had made earlier in the hearing that the directorate used the AIATSIS Core course to train staff in cultural competency. She stated that this 'is a fundamental requirement for all of our staff to work through'. On this, she stated that 'one thing I flag that we are working quite actively on but still have not landed is the local content'.¹⁴⁶
- 5.64 Additionally, she said that 500 people had attended a screening of the film, *After the Apology*; 300 people had attended cultural safety master classes; 42 people had attended a SNAICC workshop; 20 people had attended fundamentals of working cross-culturally training; and 25 people had attended the Berry Street Childhood Institute's yarning up on trauma training course.¹⁴⁷
- 5.65 Ms Murray said that due to the different nature of these training programs it was difficult to say how many hours of training to which this amounted.¹⁴⁸

Elected Body comment

- 5.66 The Elected Body notes the importance of ensuring that cultural competency training contains local content developed in consultation with the Ngunnawal community. This is an issue that crosses all ACT Government directorates and agencies (see 'Recommendation 2', Chapter 2).

CSD's celebration of Ngunnawal culture

- 5.67 The Elected Body asked how the directorate celebrates Ngunnawal culture at culturally significant periods throughout the year.
- 5.68 Ms Charles replied that under the Agreement, the government had committed to 'showcase Ngunnawal culture in all celebrations that we have, and in public spaces'. She added that how 'the ACT Government goes about celebrating Ngunnawal culture will be discussed at the interdirectorate committee more broadly'.¹⁴⁹
- 5.69 Ms Jacinta Evans, Executive Group Manager, Inclusion and Participation, said the directorate showcased Ngunnawal culture with the Acknowledgement of Country, and described how, for the National Multicultural Festival the directorate organised 'about eight banners across the footprint acknowledging that we were meeting on Ngunnawal land'. She noted other smaller events where Aboriginal and Torres Strait Islander people were invited to give an initial welcome and speak about their experiences.¹⁵⁰

144 Ms Louise Gilding, Executive Director, Housing ACT, *Transcript of evidence*, 28 March 2019, p. 75.

145 Ms Christine Murray, Executive Branch Manager, People Management, *Transcript of evidence*, 28 March 2019, p. 76.

146 Ms Christine Murray, Executive Branch Manager, People Management, *Transcript of evidence*, 28 March 2019, p. 76.

147 Ms Christine Murray, Executive Branch Manager, People Management, *Transcript of evidence*, 28 March 2019, pp. 76–77.

148 Ms Christine Murray, Executive Branch Manager, People Management, *Transcript of evidence*, 28 March 2019, p. 76.

149 Ms Lisa Charles, Director, Office for Aboriginal and Torres Strait Islander Affairs, *Transcript of evidence*, 28 March 2019, p. 85.

150 Ms Jacinta Evans, Executive Group Manager, Inclusion and Participation, *Transcript of evidence*, 28 March 2019, p. 85.



Funding of non-Indigenous organisation

- 5.70 The Elected Body asked whether the directorate funds non-Indigenous organisations to deliver Aboriginal and Torres Strait Islander programs, and if so, by what process.
- 5.71 In a Response to a Question Taken on Notice, the directorate provided information on the funding and delivery arrangements for the following Aboriginal and Torres Strait Islander programs:
- Gulanga Program—delivered by the ACT Council of Social Services (ACTCOSS)—emerged from negotiations between the directorate and a range of Aboriginal and Torres Strait Islander organisations and representatives delivering programs within the community
 - Indigenous Program and Indigenous Boarding House—delivered by EveryMan Australia through a Memorandum of Understanding with Toora Women Inc. —is based on a Memorandum of Understanding between EveryMan and Toora Women Inc., which is funded by the directorate to deliver these programs
 - Functional Family Therapy for Aboriginal and Torres Strait Islander families—delivered by OzChild in partnership with Gugan Gulwan Youth Aboriginal Corporation—funding agreed through a single select procurement process¹⁵¹
 - ConnXtions Program—delivered through the Yurauna Centre at the CIT.¹⁵²

Child protection

Carer Assessment and Linking Panel

- 5.72 The Elected Body asked how the Carer Assessment and Linking Panel (CALP) was formed to ensure the best outcomes for Aboriginal and Torres Strait Islander children.
- 5.73 Ms Pappas explained that the CALP has two functions: first, carer assessment where assessments go to 'a panel to make sure they are robust and detailed enough and then the committee make a recommendation as to whether a family is suitable'; second, is a matching process between carers and children to make sure 'kids are in the right places in terms of their long-term care'.¹⁵³
- 5.74 She further explained that 'where Aboriginal children are presented to that panel, there is an Aboriginal rep on the panel. Generally it is a foster carer or somebody else that puts themselves forward to participate in that panel. We are looking to review it'.¹⁵⁴

Domestic Adoption Taskforce

- 5.75 The Elected Body asked about work being undertaken by the cross-directorate Domestic Adoption Taskforce. In particular, the Elected Body wanted to know why it and the Our Booris, Our Way steering committee were not consulted in the development of the taskforce's discussion paper¹⁵⁵ and whether there was any other input from the Aboriginal and Torres Strait Islander community.
- 5.76 Ms Anne Maree Sabellico, Executive Director, Strategic Policy, explained that the discussion paper was related to 'a review of the adoption legislation which was specifically looking at dispensation of consent in terms of matters that are already before the court or going through the court'. She said that the taskforce had received a submission

151 Ms Rebecca Cross, Director-General, CSD, Response to a Question Taken on Notice, No. 35, 23 April 2019.

152 Ms Rebecca Cross, Director-General, CSD, Response to a Question Taken on Notice, No. 35, 23 April 2019.

153 Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 66.

154 Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 66.

155 <www.communityservices.act.gov.au/__data/assets/pdf_file/0009/1296864/Dispensing-with-consent-discussion-paper.pdf>, viewed 17 July 2019.



in response to the discussion paper from Our Booris, Our way steering committee and had met with the committee chair to work through issues identified in the submission.¹⁵⁶

- 5.77 She explained that in identifying the parameters within which adoption of an Aboriginal and Torres Strait Islander child might be an option, the taskforce would consult with the Our Booris, Our Way steering committee, the Elected Body and other stakeholders from the Aboriginal and Torres Strait Islander community. She also noted that they will 'take this issue through what will be a newly established Aboriginal and Torres Strait Islander co-design forum'.¹⁵⁷

RECOMMENDATION 12

- 5.78 **The Elected Body recommends that the Community Services Directorate ensures that the Our Booris, Our Way steering committee or other relevant Aboriginal and Torres Strait Islander community organisations are consulted on any proposed changes to legislation involving the adoption of Aboriginal and Torres Strait Islander children.**

Mid-term contract evaluation for the *A Step Up for Our Kids* program

- 5.79 The Elected Body asked what the mid-term contract evaluation revealed about the effectiveness of funded programs to support Aboriginal and Torres Strait Islander children and their families under the *A Step Up for Our Kids* program.
- 5.80 Ms Pappas said that the contract evaluation was in the final stages of development and that the directorate intended to go through a strategy review in the next six to eight weeks. She said that 'we have a commitment in place to come and speak to the Elected Body in some detail on what that is telling us about what *A Step Up* is doing, where we see things progressing as we had intended and where we think we have got to do some more work to get to where we thought we would be at this stage'.¹⁵⁸

Cultural care plans

- 5.81 The Elected Body asked whether all of the cultural care plans in place for Aboriginal and Torres Strait Islander children in care had been developed in the last 12 months, after the establishment of Our Booris, Our Way, and how these were measured for cultural proficiency compliance.
- 5.82 Ms Pappas said that she could not provide a breakdown of the numbers since the establishment of Our Booris, Our Way, but provided the following figures as a picture of the total population over the last two-and-a-half years: 'For 2016–17 there were 202 Aboriginal kids in care; 194 of them had a cultural plan in place. At the end of 2017–18 there were 231 Aboriginal children in care and 218 had a cultural plan in place. For the first two months of this quarter we have got 221 children, of which 205 have a cultural plan in place'.¹⁵⁹
- 5.83 In relation to evaluating the quality and impact of these plans, she noted that it was 'a piece of work that we have to do'. On this, she said that 'the Our Booris, Our Way committee will go here and they will give us some guidance. They are reviewing and they have access to all the cultural plans and they will provide a narrative about what they think is happening'.¹⁶⁰

156 Ms Anne Maree Sabellico, Executive Director, Strategic Policy, *Transcript of evidence*, 28 March 2019, p. 67.

157 Ms Anne Maree Sabellico, Executive Director, Strategic Policy, *Transcript of evidence*, 28 March 2019, p. 67.

158 Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 68.

159 Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 68.

160 Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 69.



Implementation of the Our Booris, Our Way recommendations

- 5.84 The Elected Body asked what progress has been made in the implementation of the recommendations of the Our Booris, Our Way interim report.¹⁶¹
- 5.85 Ms Pappas noted that the interim report contained four recommendations concerning:
- Recommendation 1. Case allocation
 - Recommendation 2. SNAICC training for child protection workers
 - Recommendation 3. Revision of policy and procedures
 - Recommendation 4. Family group conferencing.¹⁶²
- 5.86 On recommendation one, she stated that, where possible, cases involving Aboriginal and Torres Strait Islander children are allocated to case workers who have completed the cultural development program, but noted a range of complexities that can impact the allocation of cases.¹⁶³

RECOMMENDATION 13

- 5.87 **The Elected Body recommends that the Community Services Directorate takes measures to ensure that all case workers allocated Aboriginal and Torres Strait Islander children have completed cultural competency and cultural awareness training.**
- 5.88 On recommendation two, Ms Pappas reiterated comments she made earlier in the hearing that the directorate was engaging with SNAICC to provide training to all team leaders on the Aboriginal and Torres Strait Islander Child Placement Principle. She noted that through this process, the directorate had identified and recruited an Aboriginal and Torres Strait Islander trainer 'to review the cultural development program and deliver that more often so that we can get people through'. She said there was a commitment to have 80 per cent of staff trained in the first 12 months of working with SNAICC.¹⁶⁴
- 5.89 On recommendation three, Ms Pappas said that the directorate had been working with Cujiro to embed the Aboriginal and Torres Strait Islander Child Placement Principle within directorate practice. She noted that an Aboriginal policy officer had recently been recruited with the job of 'going through all our policies and procedures and improving them in terms of the guidance that we can give our staff'.¹⁶⁵
- 5.90 On recommendation four, Ms Pappas referred to comments she made earlier in the hearing on family group conferencing. She added that they were able to recruit a practice leader for an identified role to 'work alongside our case workers, challenge them, support them in their practice, do some debriefing, work with team leaders when they identify that case workers are not getting it or are not behaving or practicing the way that we want them to and supporting how they develop cultural confidence across the workforce'.¹⁶⁶

Disability support

- 5.91 The Elected Body asked how Aboriginal and Torres Strait Islander families are assisted to assess specialist services for disability diagnoses and how many families had accessed that support. In particular, it enquired how the government assists people in getting the evidence they need to prove eligibility for NDIS funding.
- 5.92 Ms Melanie Saballa, Director, Children and Families, informed the Elected Body that the Child Development Service and the three Child and Family Centres which it operates 'are a universal service... If parents and carers

161 <www.strongfamilies.act.gov.au/__data/assets/pdf_file/0003/1240428/Borris-Intrim-Report.pdf>, viewed 17 July 2019.

162 Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, pp. 69–70.

164 Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 70.

165 Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 70.

166 Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 70.



- and family have concerns about their children's development, it is the Child Development Service that they can access'.¹⁶⁷
- 5.93 The Elected Body asked about the supports available for families who need to go to multiple specialists and pay quite expensive fees to get the diagnosis and letters they need to support their claims for funding.
- 5.94 Ms Saballa replied that the Child Development Service, does 'a lot of proactive work with community in terms of how we engage with Aboriginal and Torres Strait Islander families'. She added that 'we have an early years engagement officer who plays a really critical function in connecting with families and then linking them into services'.¹⁶⁸
- 5.95 Ms Saballa made two additional comments in response to this question. First she mentioned that 'there are community paediatricians as part of the service offer of the Child Development Service. They are part of the Health Directorate but they are on-site at the Child Development Service, so families can go on the waitlist for community paediatricians. We also offer the autism spectrum disorder assessment and diagnosis'.¹⁶⁹
- 5.96 Secondly, she noted that NDIS EACH is the early childhood early intervention partner funded by the NDIA which is co-located with the Child Development Service. She explained that they 'are the Commonwealth-funded service that is also an access point for families. If families have a diagnosis or have concerns about their children's development, they can go to NDIS EACH and receive some therapeutic early intervention support while they are going down the diagnostic path'.¹⁷⁰
- 5.97 In response to an additional question from the Elected Body, Ms Pappas confirmed that for the 221 Aboriginal and Torres Strait Islander children in child protection, the directorate would assist them in accessing disability supports, where required. She stated that 'we can access that through the Child Development Service or we could go to private providers, depending on what is required'.¹⁷¹

Young people

New premises for Gugan Gulwan

- 5.98 The Elected Body asked about progress on the new premises for Gugan Gulwan.
- 5.99 Ms Sabellico replied that the directorate had been in consultation with Gugan Gulwan Executive Director, Kim Davison, and had held a joint meeting with Property ACT and the planning directorate 'to talk through what we need to look at this point in time but also into the future'.
- 5.100 Of the range of options available, Ms Sabellico noted that Gugan Gulwan had indicated a preference to remain at their current site. She continued:

*If the building as it is not appropriate to extend, then it will be a knock-down, rebuild. If the site then is not big enough to do a fit-for-purpose building to cater for both current and growth over the next ten to 20 years, then we will be having a look at one of the other options around the same geographic location. They want to remain in that area but they are also happy to consider being over two sites if that is the option.*¹⁷²

167 Ms Melanie Saballa, Director, Children and Families, *Transcript of evidence*, 28 March 2019, p. 71.

168 Ms Melanie Saballa, Director, Children and Families, *Transcript of evidence*, 28 March 2019, p. 72.

169 Ms Melanie Saballa, Director, Children and Families, *Transcript of evidence*, 28 March 2019, p. 72.

170 Ms Melanie Saballa, Director, Children and Families, *Transcript of evidence*, 28 March 2019, p. 73.

171 Ms Helen Pappas, Senior Director, Practice and Performance, *Transcript of evidence*, 28 March 2019, p. 73.

172 Ms Anne Maree Sabellico, Executive Director, Strategic Policy, *Transcript of evidence*, 28 March 2019, p. 77.



OzChild–Gugan Gulwan partnership

- 5.101 The Elected Body then asked about progress in the partnership between OzChild and Gugan Gulwan.
- 5.102 Ms Robinson informed the Elected Body that the directorate had engaged OzChild and Gugan Gulwan to deliver 'the implementation of Functional Family Therapies specifically with Aboriginal and Torres Strait Islander families'. She noted that the pilot program was to run for 12 to 18 months and engage with 40 families.¹⁷³
- 5.103 She provided an update on progress: 'As at 11 March, there had been 15 referrals to the program. They are actively working with 13 families, comprising 43 children. That engagement rate is exceptionally high... Of those 13 families at the moment, five are in the engagement phase and seven are in the behaviour phase of the program'. She noted that an evaluation of the program based on feedback from families would be available at the end of 2019.¹⁷⁴
- 5.104 The Elected Body asked a further question on the support for this partnership by other directorates.
- 5.105 Ms Robinson informed the Elected Body that the directorate 'have been informing areas across government about the program'. She explained that once a family is engaged, the Functional Family Therapy team meets with the family's care team to outline their role, at which point 'some of those other providers can sit back for a bit while Functional Families Therapy do their work'. She also said that the end of the program provides another opportunity 'to draw in those broader community and government providers to talk about how they sustain and support the family with what they determine they need moving forward'.¹⁷⁵

Boomanulla Oval

- 5.106 The Elected Body asked about the directorate's role in relation to Boomanulla Oval and how it had collaborated across other directorates to address the current situation, community concerns and future management of the facility.
- 5.107 Ms Sabellico informed the Elected Body that she is the directorate's representative on a cross-directorate meeting concerning Boomanulla Oval. She explained that her 'role on that has been as a participant and understanding at what point the restoration work is up to and when it will be completed, with the specific for CSD then to look at undertaking the work to establish a new community management of the site post restoration'. She noted the directorate's role would be more significant once the restoration works are completed.¹⁷⁶
- 5.108 The Elected Body asked about the directorate's support for 99 years of Aboriginal and Torres Strait Islander community tenure of the site and what actions the directorate would take to pursue program management and stakeholder engagement at the Boomanulla Oval site.
- 5.109 Ms Sabellico replied that all options would be considered in consultation with the community. She said that one of the directorate's roles will be to consider the legal requirements to be put in place for the leasing, including financial sustainability, funding options and a 'community management mechanism that is fully aware of the scope and breadth of their responsibilities and accountabilities'.¹⁷⁷
- 5.110 Ms Sabellico also stated that following the return of the oval to community control, the directorate would engage in conversation with the Elected Body, the UNEC and other community stakeholders to consider how 'the community management committee can be supported to undertake the work as defined in their roles and accountabilities'.¹⁷⁸

173 Ms Jodie Robinson, Director, Child and Youth Protection Services Operations, *Transcript of evidence*, 28 March 2019, p. 78.

174 Ms Jodie Robinson, Director, Child and Youth Protection Services Operations, *Transcript of evidence*, 28 March 2019, p. 78.

176 Ms Anne Maree Sabellico, Executive Director, Strategic Policy, *Transcript of evidence*, 28 March 2019, p. 63.

177 Ms Anne Maree Sabellico, Executive Director, Strategic Policy, *Transcript of evidence*, 28 March 2019, p. 64.

178 Ms Anne Maree Sabellico, Executive Director, Strategic Policy, *Transcript of evidence*, 28 March 2019, p. 64.



Community Services Industry Relationships and Reform Strategy, and cultural competency in the community sector

- 5.111 The Elected Body asked how the *Community Services Industry Relationships and Reform Strategy* (CSIRR) was building more collaborative working relationships with community sector organisations, what the strategy was, and how Aboriginal and Torres Strait Islander community organisations were being prioritised.
- 5.112 Ms Sabellico explained that the strategy is managed by a group of community organisations and chaired by ACTCOSS, which also manages projects under the strategy. She said the focus of current projects was:
- ...professional development and career pathways; emerging leaders; a volunteers project to look at the use of volunteers as members of the workforce; onboarding and supervision; and workforce data—that is, how the sector looks at being consistent around the needs of the sector in being able to implement reform in their own right in those areas.*¹⁷⁹
- 5.113 She noted that these projects were not specifically focused on the Aboriginal and Torres Strait Islander community, but that 'the industry strategy is inclusive of the consideration of Aboriginal and Torres Strait Islander organisations across their portfolio of projects'. Additionally, she mentioned that under the Agreement, the ACT Government would be taking actions 'around building the capacity and capability of Aboriginal and Torres Strait Islander organisations, particularly new organisations and how to establish them, and how to work in strategic partnership with current organisations to support the establishment of organisations or broaden existing work'.¹⁸⁰
- 5.114 In this context, the Elected Body asked how the directorate assures itself of the cultural competency and cultural appropriateness of community sector organisations in their service delivery.
- 5.115 Ms Evans replied that, in general, such requirements are included in the funding contracts between these community organisations and government. She said that 'in our contract arrangements...we are working really closely on looking at what it is we are trying to achieve in terms of outcomes'. She added that 'there is still further work we can do to make sure things like cultural competency training actually have an impact rather than just being delivered'.¹⁸¹

179 Ms Anne Maree Sabellico, Executive Director, Strategic Policy, *Transcript of evidence*, 28 March 2019, p. 81.

181 Ms Jacinta Evans, Executive Group Manager, Inclusion and Participation, *Transcript of evidence*, 28 March 2019, p. 82.

6 ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE



Topics of discussion during hearings

- 6.1 The Elected Body asked representatives from the Environment, Planning and Sustainable Development Directorate (EPSDD) questions in relating to:
- On Country service delivery
 - Engagement strategy for planning decisions
 - Cultural practices in land management of Namadgi
 - Employment of Aboriginal and Torres Strait Islander people in the EPSDD
 - Cultural awareness within the EPSDD
 - The Namadgi Agreement
 - The Traditional Custodian Caring for Country Committee
 - Aboriginal cultural tourism
 - Procurement of Aboriginal and Torres Strait Islander businesses by the EPSDD
 - Aboriginal Waterways Assessment
 - Natural Resource Management Program.

Key issues

On Country services delivery

- 6.2 In its list of questions to the directorate, the Elected Body identified three priority areas it wished to see progress on over the next 100 days. The first of these was what actions the directorate would take to promote a strategy for On Country service delivery, particularly as this relates to commitments in the Agreement and the directorate's RAP.
- 6.3 Mr Ian Walker, Executive Director, Environment, told the Elected Body that, under its RAP, the directorate had committed to 'establish a Traditional Custodian Caring for Country Committee'. This, he continued, 'will provide a voice and a role for community, Ngunnawal community, to provide direction and support around the On Country type program that will occur'.¹⁸²
- 6.4 Mr Walker cited the use of fire in land management practices—in consultation with Ngunnawal Elder, Wally Bell—as one such example. He also noted that the directorate employs 'a significant number of Aboriginal staff who are trained as firefighters and are leading cultural burning practices On Country'. He said that over the next 100 days the directorate would be implementing its 'prescribed burning program which will include cultural burning practices'.¹⁸³

¹⁸² Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 88.

¹⁸³ Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 88.

Engagement strategy for planning decisions

- 6.5 The second priority identified by the Elected Body was an engagement strategy for planning purposes. The Elected Body asked what actions the directorate would take within the next 100 days towards this goal.
- 6.6 Mr Ben Ponton, Director-General, informed the Elected Body that the directorate would be undertaking a review of the Territory Plan. He said that 'we have acknowledged that, not just for the Aboriginal and Torres Strait Islander community but for the broader Canberra community, we really need to think about how we engage with what I have referred to before as the missing voices in the planning space'. He said that in the next 100 days, or earlier, the directorate would be developing the scope of the review project and drafting an engagement strategy.¹⁸⁴
- 6.7 Mr Ponton also noted that in formulating an engagement strategy, the directorate would work with Aboriginal and Torres Strait Islander people within the organisation to test ideas before implementation.¹⁸⁵
- 6.8 He highlighted that this way of doing things has precedent within the directorate. He spoke about the Actsmart sustainability program, and how the team involved in that program consulted with the directorate's Aboriginal and Torres Strait Islander staff when developing communications strategy. He indicated that this type of engagement broadly applicable across the directorate and was regularly discussed at executive board meetings.¹⁸⁶
- 6.9 Later in the hearing, the Elected Body asked whether the directorate had an Aboriginal and Torres Strait Islander engagement plan. Mr Ponton replied that 'no, we do not'. He added that 'this is something that is very dear to my heart in terms of capturing the missing voices in all the work that we do'. He reiterated his comments above in relation to steps the directorate would take to capture this voice.¹⁸⁷

RECOMMENDATION 14

- 6.10 **The Elected Body recommends that the Environment, Planning and Sustainable Development Directorate develop and implement an Aboriginal and Torres Strait Islander community engagement plan for the directorate in line with the *Protocols for working with Aboriginal and/or Torres Strait Islander peoples*.**

Elected Body comment

- 6.11 In making Recommendation 14, the Elected Body notes that this applies particularly to the Planning and Sustainable Development sections of the directorate. The Elected Body acknowledged the significant efforts made to engage with the Aboriginal and Torres Strait Islander community by the directorate's Environment Division.

Cultural practices in land management of Namadgi

- 6.12 The third priority identified by the Elected Body was a Namadgi management strategy encompassing cultural practices in areas such as kangaroo culling, fire and back-burning and carp management. The Elected Body asked what activities would be undertaken in the next 100 days to develop such a strategy.
- 6.13 Mr Walker reiterated his earlier comment on the establishment of a Traditional Custodian Caring for Country Committee. He added that 'we have called for nominations on that committee... We will engage with that group, and then more broadly UNEC and the Elected Body, to actually inform and design the activities that best mirror the needs and aspirations of the community'.¹⁸⁸

184 Mr Ben Ponton, Director-General, EPSDD, *Transcript of evidence*, 28 March 2019, p. 89.

185 Mr Ben Ponton, Director-General, EPSDD, *Transcript of evidence*, 28 March 2019, p. 90.

186 Mr Ben Ponton, Director-General, EPSDD, *Transcript of evidence*, 28 March 2019, p. 91.

187 Mr Ben Ponton, Director-General, EPSDD, *Transcript of evidence*, 28 March 2019, p. 101.

188 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 92.



- 6.14 The Elected Body emphasised the need to ensure impact and return on investment for these activities. It sought clarification about whether the Caring for Country Committee would be up-and-running within the next 100 days.
- 6.15 Mr Walker indicated that the group would be established. He noted that the directorate had sought nominations and was now 'working to ensure that that is representative across the Ngunnawal community'.¹⁸⁹
- 6.16 The Elected Body asked how the membership of the group is chosen.
- 6.17 Mr Walker replied that once the directorate had the nominations 'we will call that group of people together. They will self-determine the membership in that space. Also...they will elect the chair in that space as well'.¹⁹⁰

Employment of Aboriginal and Torres Strait Islander people in EPSDD

- 6.18 The Elected Body asked how many Aboriginal and Torres Strait Islander people have been part of the directorate's selection panels in the past 12 months.
- 6.19 In a Response to a Question Taken on Notice, the directorate noted that the current 'recruitment system utilised by the ACT Government does not collect or record diversity information about panel members', therefore, the directorate could not provide an accurate answer to the question.¹⁹¹
- 6.20 The response noted Aboriginal and Torres Strait Islander representation on: 'the 2019 ACTPS Aboriginal and Torres Strait Islander Vocational Employment Program and previous traineeship program'.¹⁹²
- 6.21 Additionally, it stated:
- We also encourage Aboriginal and Torres Strait Islander representation on panels for identified positions and the utilisation of Aboriginal and Torres Strait Islander recruitment agencies such as Shine People Solutions and Max employment. In conjunction with Shared Services we are also reviewing our recruitment forms to allow for the recording of diversity information going forward.*¹⁹³
- 6.22 The Elected Body then asked what mechanisms were in place for promoting the development of Aboriginal and Torres Strait Islander staff in the directorate.
- 6.23 Ms Jamie Elton, Director, People and Capability, noted the general training programs available but said that the directorate does 'not specifically have a training program dedicated to Aboriginal and Torres Strait Islanders *per se*'.¹⁹⁴
- 6.24 Mr Walker provided additional information on the directorate's youth development program, a commitment under the Agreement and the directorate's RAP:
- We have gone out to market and sought involvement of community to build capacity of Ngunnawal and other Aboriginal and Torres Strait Islander youth to seek opportunities and to develop their capacity to attain employment, whether that be with us, with other parts of government or in the private sector. We are just at the start of that process.*¹⁹⁵
- 6.25 The Elected Body reiterated its question on staff development noting the importance of ensuring staff are not stuck at entry level.
- 6.26 Mr Simmons highlighted the significance of the directorate's initiatives around changing how recruitment advertisements are written. He noted that in doing so, the directorate has more flexibility around how they evaluate

189 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 92.

190 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 92.

191 Mr Geoffrey Rutledge per Mr Ben Ponton, Director-General, EPSDD, Response to a Question Taken on Notice, No. 2, 23 April 2019.

192 Mr Geoffrey Rutledge per Mr Ben Ponton, Director-General, EPSDD, Response to a Question Taken on Notice, No. 2, 23 April 2019.

193 Mr Geoffrey Rutledge per Mr Ben Ponton, Director-General, EPSDD, Response to a Question Taken on Notice, No. 2, 23 April 2019.

194 Ms Jamie Elton, Director, People and Capability, *Transcript of evidence*, 28 March 2019, pp. 106–107.

195 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 108.



candidates. He said that 'when we talk about the changes, it is not just that we want to attract people differently but we want to be able to assess them differently if that is appropriate'.¹⁹⁶

- 6.27 The Elected Body noted that in the 2007 ACT aquatic and riparian conservation strategy the directorate committed to employing Indigenous rangers to assist in the implementation of the strategy and asked if that commitment had been met.
- 6.28 Mr Walker said that the directorate does not employ people to deliver one strategy or one action plan; staff are employed to deliver multiple programs and activities. He explained that the directorate had employed a number of people 'in working On Country, and that includes a significant number of rangers and staff who are delivering multiple action plan-based activities'.¹⁹⁷
- 6.29 He added that the directorate was 'currently in the process of recruiting a Level B position within the environment team to actually progress the engagement with traditional custodians but also how we better reflect community needs through actions plans'.¹⁹⁸

Cultural awareness within the EPSDD

Incidents of racism

- 6.30 The Elected Body asked how many, and how, incidents of racism were reported within the directorate each year.
- 6.31 Mr Ponton said that there had been no reports of incidents of racism during his two years as Director-General. On the reporting mechanism, he explained that if an incident did occur it: 'would be reported through direct contact with our human resources or people and capability team or to managers. If somebody were to express a concern to a colleague, I suspect that that would be reported through with the consent of that individual'.¹⁹⁹
- 6.32 In this context, the Elected Body asked whether there had been incidents of racist graffiti on public grounds.
- 6.33 Mr Walker responded that the directorate would take such incidents seriously and would 'proactively investigate and then respond to those issues'.²⁰⁰ Additional information was also provided in a Response to a Question Taken on Notice:

There has been one incident of graffiti racism on Park and Conservation Services managed lands as far as we are aware. Offensive graffiti was removed from boulders in Coleman Ridge in November 2018. The graffiti referenced the 'KKK' (presumably the Ku Klux Klan), the devil's number and Hitler.²⁰¹

Cultural competency and cultural awareness training

- 6.34 The Elected Body asked how many selection panels have had at least one member who has completed cultural awareness training.
- 6.35 In response, Mr Ponton provided general information on cultural competency training for directorate staff. He noted that since commencing his role as Director-General, 'it was apparent to me that we could do better in that space'. He explained that 'in this financial year alone, 120 people have completed cultural awareness training and it is now mandatory'.²⁰²

197 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 103.

198 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 103.

199 Mr Ben Ponton, Director-General, EPSDD, *Transcript of evidence*, 28 March 2019, p. 94.

200 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 92.

201 Mr Ian Walker, Executive Group Manager, Environment, Response to a Question Taken on Notice, No. 4, 24 April 2019.



- 6.36 In response to a question on the number of staff currently employed by the directorate, Mr Craig Simmons, Chief Operating Officer, said that 'FTE is 630 with an headcount of around 700'.²⁰³
- 6.37 Mr Ponton added that at this time '17.5 per cent of our people this year have completed training. That compares to four per cent the year before'. He emphasised that management has communicated to staff 'the fact that it is mandatory'.²⁰⁴
- 6.38 The Elected Body then asked about the timeframe to ensure that 100 per cent of staff have completed cultural awareness training.
- 6.39 Mr Simmons provided the following response:
- We are running a continuous program. We have an external provider who comes in and provides that service. We are working with them to increase the amount of Ngunnawal-specific content as well as broad cultural awareness. It is as often and as frequently as we can get them out there. Those courses actually fill up quite quickly. We are subscribed. It will probably take us more than a year to get everybody through, though.*²⁰⁵

The Namadgi Agreement

- 6.40 The Elected Body asked about the status of the Namadgi Agreement and the steps to be taken going forward.
- 6.41 Mr Walker informed the Elected Body that the directorate has been engaged in discussions with the signatories of the Namadgi Agreement 'to broaden the understanding of the Agreement'. He highlighted that there had been some challenges in this process identifying 'the right people to speak for country'.²⁰⁶
- 6.42 The Elected Body emphasised that the question on the Namadgi Agreement went specifically to management decisions affecting the national park, not just culture and heritage decisions. It then asked how—other than via directorate staff—the Ngunnawal people have been able to have a voice in how the park is managed during the last year. The Elected Body also asked for clarification on whether the directorate's primary engagement on this issue had been through staff networks.
- 6.43 Mr Iglesias replied that 'predominantly' this was the case.²⁰⁷
- 6.44 The Elected Body highlighted that such arrangements placed Aboriginal and Torres Strait Islander staff in a difficult position due to the level on conflict that can be place on them. It asked about the type of supports in place for these staff members.
- 6.45 Mr Iglesias said that four or five years ago 'we created what we call the Murrumbung network'. He continued: 'that network has over the course of the years enabled Aboriginal staff to talk openly about those challenges and to workshop among themselves how they can get through it'.²⁰⁸
- 6.46 The Elected Body asked about the directorate's provision of structural supports; and whether there were guidelines, conflicts of interest forms, or other processes to protect intellectual property and the interests of Aboriginal and Torres Strait Islander staff.
- 6.47 Mr Ponton replied that while the directorate has 'structures in place more broadly', he could not 'say that there is anything specifically to deal with the particular issue you are raising'.²⁰⁹

203 Mr Craig Simmons, Chief Operating Officer, *Transcript of evidence*, 28 March 2019, p. 94.

204 Mr Ben Ponton, Director-General, EPSDD, *Transcript of evidence*, 28 March 2019, p. 94.

205 Mr Craig Simmons, Chief Operating Officer, *Transcript of evidence*, 28 March 2019, p. 94.

206 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 95.

207 Mr Daniel Iglesias, Director, ACT Parks and Conservation Service, *Transcript of evidence*, 28 March 2019, p. 96.

208 Mr Daniel Iglesias, Director, ACT Parks and Conservation Service, *Transcript of evidence*, 28 March 2019, pp. 96–97.

209 Mr Ben Ponton, Director-General, EPSDD, *Transcript of evidence*, 28 March 2019, p. 97.



Elected Body comment

- 6.48 Aboriginal and Torres Strait Islander staff bring unique cultural knowledge and leadership to roles they occupy inside and outside of government. The Elected Body believes that all ACT Government directorates and agencies can do more to recognise this and provide structures to support Aboriginal and Torres Strait Islanders to manage the cultural load they bring to their roles (see 'Recommendation 5' in Chapter 2).

Traditional Custodian Caring for Country Committee

- 6.49 The Elected Body asked about the role and purpose of the Traditional Custodian Caring for Country Committee and the region that it covers.

- 6.50 Mr Walker said that the committee 'will cover ten per cent of the ACT'. This area, he explained, includes the parks and conservation space managed by the directorate. On the committee's role he said that this 'will be determined by the committee'. He noted that the committee 'is very much about self-determination for that community and also for building capacity, both capacity of the community and capacity of our staff, to understand and better appreciate the relationship between country, community and the work we do day-to-day'.²¹⁰

- 6.51 The Elected Body asked about the differences between the UNEC, Representative Aboriginal Organisations (RAOs) and the Traditional Custodian Caring for Country Committee and how these groups value-add to the business of the directorate.

- 6.52 Ms Fiona Moore, Senior Manager, ACT Heritage, provided the following response in relation to the RAOs:

*The Representative Aboriginal Organisations are established under the Heritage Act. There are four RAOs declared at present. The function that the RAOs have is that they are there to provide advice to the Heritage Council. They are a consultative group for the Heritage Council. They provide advice on all matters that come before the council, including heritage registrations, works occurring within a heritage place—the development works—and heritage guidelines. These are guideline documents about how a place is to be managed. They also provide information about the release of restrictive information.*²¹¹

- 6.53 Responding to the differing roles of these groups, Mr Walker noted that the UNEC and the RAOs have a legislative basis. He continued that the Traditional Custodian Caring for Country Committee 'is a representative group and does not have a legislative basis. Where it becomes a legislative issue, that group would be providing advice or thoughts to UNEC in that broader context or to the RAOs'.²¹²

- 6.54 Mr Walker illustrated these differences: 'protection of a particular heritage site; you would require RAO advice on that. . . The sorts of things that the committee would look at would be: how would signage in the national parks best reflect traditional custodians?'²¹³

- 6.55 The Elected Body asked about the types of issues on which the UNEC would be consulted.

- 6.56 Mr Walker responded that, on this issue, the directorate would seek advice from the Caring for Country Committee. He added:

I think that is something that is going to evolve. But I would certainly see the council in respect of the broader issues—for example, health-related issues or education-related issues that a more land management-based committee might raise—being an appropriate place to go. How do we elevate health or education-related issues at that broader level to that sort of council, e.g., the things that fall out of our responsibility as land managers, land custodians?'²¹⁴

210 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 99.

211 Ms Fiona Moore, Senior Manager, ACT Heritage, *Transcript of evidence*, 28 March 2019, p. 99.

212 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 100.

213 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 100.



Elected Body Comment

6.57 As a central principle underlying the Agreement, the Elected Body welcomes the emphasis placed on self-determination in establishing the Traditional Custodian Caring for Country Committee. It hopes that self-determination remains the underlying principle upon which the committee functions.

Aboriginal cultural tourism

3.110 The Elected Body asked about the process for procuring local Aboriginal businesses to undertake cultural tours or activities at Tidbinbilla.

6.58 Mr Walker told the Elected Body that this was generally sought via advertisement. In relation to cultural tourism activities he explained that 'we have a number of existing licence holders who are running Aboriginal cultural businesses. They provide that service. So there is no specific additional procurement that would be required'.²¹⁵

6.59 Mr Walker added that such businesses would need to seek a license from the directorate to undertake nature- or culture-based tourism activities. On this he explained that nature-based tourism was a new area for the ACT, 'so our systems and processes are not well evolved'. He continued: 'so we are at that point of identifying the sorts of licensing arrangements that we need for nature-based tourism. The team in the parks and conservation service are looking at models in other jurisdictions around what could be deployed in the ACT context'.²¹⁶

Elected Body Comment

6.60 The Elected Body notes that under the Agreement, the ACT Government acknowledges that the Ngunnawal people are the traditional custodians of the Canberra region. The Elected Body is conscious of the need to ensure that Aboriginal and Torres Strait Islander tourism activities that take place on Ngunnawal land are appropriate for the Traditional Custodians of the land. It therefore makes the following recommendation.

RECOMMENDATION 15

6.61 **The Elected Body recommends that the Environment, Planning and Sustainable Development Directorate works with Ngunnawal community groups and organisations to standardise and better communicate licensing arrangements for cultural tourism activities in the Territory's national parks.**

Procurement of Aboriginal and Torres Strait Islander business by EPSDD

6.62 Following on from the Elected Body's question about the cultural tourism procurement at Tidbinbilla, the directorate provided information about its procurement of Aboriginal and Torres Strait Islander businesses more generally.

6.63 Mr Simmons told the Elected Body that directorate officers had attended the Supply Nation Indigenous business trade fair at Parliament House in February 2019. He said that 'on that very day we were able to come back and make contact with some businesses that we just did not know existed'.²¹⁷

6.64 Since the trade fair, Mr Simmons said, 'we have spent \$52,000 so far on majority-owned Aboriginal businesses... We have spent \$44,500 roughly on the cultural awareness training so far this year' and that the directorate had also spent \$7,000 on artworks.²¹⁸ Mr Ponton added that 'it is still early days, small steps, but we are making a start'.²¹⁹

Aboriginal Waterways Assessment

6.65 The Elected Body asked the directorate about the status of the Aboriginal Waterways Assessment.

215 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 101.

216 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 101.

217 Mr Craig Simmons, Chief Operating Officer, *Transcript of evidence*, 28 March 2019, p. 102.



- 6.66 Mr Walker explained that under the Murray-Darling Basin Plan, the ACT Government 'is required to produce a water resource plan. That includes recognition of cultural water assessments and working with the community to do that'.²²⁰
- 6.67 Ms Mary Mudford, Manager, Healthy Country, informed the Elected Body that the directorate had had several meetings with the community on waterway assessment-based activity, and that at those meetings 'the community identified an objective and an action to follow through with these Aboriginal water assessments'.²²¹
- 6.68 When asked what the outcomes of the assessments involving the Ngunnawal community were, Ms Mudford responded:
- The assessments were done to identify spiritual and cultural values of the sites and how we would retain those values for each of the sites as well. This is part of the development of the site management plan for each of those. Until they are actually developed we will not move any further forward with them. We are currently working through all of the 16 sites that were assessed. We had done two of those sites at the end of last year and we are about to set some dates to continue those assessments.*²²²
- 6.69 The Elected Body asked if there has been any allocation given to the Ngunnawal people for cultural water use and traditional fishing.
- 6.70 Mr Walker responded that 'the answer to that is 'no' in terms of cultural water'. When asked whether action should be taken to implement this within the next 100 days, Mr Walker noted the complexities of the Murray-Darling Basin Plan as to why it should not. He added that 'in our resource planning it is very clear that we are incorporating cultural water, cultural use, in those plans, which ultimately are accredited at the Commonwealth level'.²²³

Natural Resources Management program

- 6.71 The Elected Body asked about the programs being delivered under the Natural Resources Management (NRM) program, and how the program incorporates input from the traditional owners.
- 6.72 Mr Jackson Taylor-Grant, Aboriginal NRM Facilitator, provided information on the three main projects currently being undertaken. He said that one project, funded under the National Landcare Program, involved tripling the size of Mulligans Flat Nature Reserve to incorporate threatened species, manage pests and introduce traditional land management practices. He explained that the directorate would engage with youth, vulnerable people, Ngunnawal elders and men's and women's groups.²²⁴
- 6.73 He said the second project was 'the threatened box gum woodland project'. Also funded under the National Landcare Program, it aims to 'connect white gum, yellow box and Blakely's red gum grass seed woodlands'. He noted that 'a big focus of that is the introduction of traditional land management basically in the form of fire management within those areas, which will incorporate community involvement into those land management activities'.²²⁵
- 6.74 Mr Taylor-Grant explained the directorate also intend to incorporate traditional management practices, 'through plantings, through harvesting, and that will heavily involve the traditional custodian community but also Aboriginal youth, Aboriginal community groups', including Winnunga men's and Winnunga women's groups.²²⁶

220 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, p. 104.

221 Ms Mary Mudford, Manager, Healthy Country, *Transcript of evidence*, 28 March 2019, p. 104.

222 Ms Mary Mudford, Manager, Healthy Country, *Transcript of evidence*, 28 March 2019, p. 104.

223 Mr Ian Walker, Executive Director, Environment, *Transcript of evidence*, 28 March 2019, pp. 105–106.

224 Mr Jackson Taylor-Grant, Aboriginal NRM Facilitator, *Transcript of evidence*, 28 March 2019, p. 109.

225 Mr Jackson Taylor-Grant, Aboriginal NRM Facilitator, *Transcript of evidence*, 28 March 2019, p. 109.

226 Mr Jackson Taylor-Grant, Aboriginal NRM Facilitator, *Transcript of evidence*, 28 March 2019, p. 109.

6.75 Speaking to the third project, which involves ‘the location of some of our lost cultural heritage within Namadgi National Park in the form of rock art’, Mr Taylor-Grant explained:

*We have seven main rock art sites throughout the park. Basically a lot of our cultural heritage has been discovered just off fire trails, basically because that is where we access our national parks from. There is a lot of cultural heritage that gets minimal footfall out there.*²²⁷

6.76 He said that the first step in protecting such cultural heritage sites was finding them. He informed the Elected Body that the directorate have ‘engaged a remote area archaeologist who basically goes and finds some of these sites or at least survey some of these unsurveyed sites and, as part of that, would be bringing the community along’.²²⁸

6.77 The Elected Body then asked how the impact of these projects would be measured.

6.78 In relation to the Mulligans Flat Nature Reserve project, Mr Taylor-Grant said that the objective was to reintroduce traditional land management practices and connect community to the area. In response to a follow-up question, he said that the project has a target of 100 people over a 12-month period.²²⁹

6.79 Additional information was provided in a Response to a Question Taken on Notice. The response noted that the NRM team is currently delivering ten projects which involve Traditional Custodians:

- protecting and connecting endangered woodlands in the ACT
- safe haven for quolls and bettongs in the ACT
- Namadgi Rock Art Survey
- Future leaders/Future Elders
- native plant use forum
- remote site visits with community
- Kick Start My Career
- Aboriginal fire management program/networks (South East Australian Aboriginal Fire Forum)
- assisting in the delivery of cultural programs for the Ngunnawal Bush Healing Farm
- assisting in Aboriginal Waterways Assessments.²³⁰

6.80 The response explained how the Traditional Custodians will be involved in these projects:

*The Traditional Custodians are involved in the project to give guidance and make decisions, be involved in traditional land management, gain opportunities for training and education, gain opportunities for cultural tourism as well as assisting in the improvement of health and wellbeing within the community as whole, among many other reasons.*²³¹

227 Mr Jackson Taylor-Grant, Aboriginal NRM Facilitator, *Transcript of evidence*, 28 March 2019, pp. 109–110.

228 Mr Jackson Taylor-Grant, Aboriginal NRM Facilitator, *Transcript of evidence*, 28 March 2019, p. 110.

229 Mr Jackson Taylor-Grant, Aboriginal NRM Facilitator, *Transcript of evidence*, 28 March 2019, pp. 110–111.

230 Mr Geoffrey Rutledge per Mr Ben Ponton, Director-General, EPSDD, Response to a Question Taken on Notice, No. 17, 23 April 2019.

231 Mr Geoffrey Rutledge per Mr Ben Ponton, Director-General, EPSDD, Response to a Question Taken on Notice, No. 17, 23 April 2019.

7 EDUCATION DIRECTORATE



Topics of discussion during hearings

- 7.1 The Elected Body asked representatives from the Education Directorate (ED) questions relating to:
- Cultural Integrity Framework
 - Student transitions between schools
 - Closing the Gap (education outcomes)
 - Employment of Aboriginal and Torres Strait Islander people in the ED and ACT public schools
 - Reporting and management of allegations of racism
 - Koori Pre-schools
 - Year 12 completion rates
 - Education for young people in Bimberi
 - Relationship with Gugan Gulwan
 - Secondary and tertiary scholarships
 - Indigenous Educations Officers.

Key issues

Cultural Integrity framework

- 7.2 In its list of questions to the Education Directorate, the Elected Body identified three priority areas it wished to see progress over the next 100 days. The first of these related to the impact of the Cultural Integrity Framework.
- 7.3 Ms Kate McMahon, Executive Branch Manager, Learning and Teaching, informed the Elected Body that the Cultural Integrity Framework had been implemented in schools two years ago. She said that schools are tested on their implementation of the framework along an assessment continuum, which was developed in consultation with Aboriginal and Torres Strait Islander people. The results of this testing, she said, are used to implement improvements 'with the cultural integrity tool framework'.²³²
- 7.4 Additional information on the framework was provided in a Response to a Question Taken on Notice stated that over the next 100 days the directorate 'will be continuing to embed Cultural Integrity in ACT public schools and will commence the review of the Cultural Integrity continuum to ensure that, as a tool, it is providing adequate guidance to schools'.²³³

²³² Ms Kate McMahon, Executive Branch Manager, Learning and Teaching, *Transcript of evidence*, 29 March 2019, p. 118.

²³³ Ms Natalie Howson, Director-General, ED, Response to a Question Taken on Notice, No. 1, 23 April 2019.



- 7.5 The response indicated that a Cultural Integrity Implementation Plan had been developed by the directorate 'to ensure that momentum from the first year of the policy is maintained'. It noted that the plan 'also includes outcomes that show what success will look like'. It outlined that the plan is divided into three domains:
- supporting school staff to come on the journey
 - supporting school principals to lead the Cultural Integrity journey in their school
 - strengthening capability of school-facing services to support schools and modelling behaviours of change.²³⁴
- 7.6 Ms Meg Brighton, Deputy Director-General, added that the directorate has incorporated consideration of Cultural Integrity into how it recruits principals. She explained that in hiring a new principal, 'we are very specifically looking for their understanding of cultural integrity, and it is an explicit part of our recruitment when we are sitting on panels. We are enquiring into their experience, their training, their understanding and we are looking for a demonstration of that'.²³⁵
- 7.7 The Elected Body asked for an example of the types of measures that schools were taking to implement Cultural Integrity.
- 7.8 Ms McMahon replied that Belconnen High School is an example of a school with 'a really high level of maturity around their cultural integrity'. She outlined some of the initiatives the high school has undertaken:
- They have worked with community to develop a languages and community course that their students in years 7 and 8 are doing there at the moment. They are also working with their local college and the BSSS [Board of Senior Secondary Studies] to develop an ongoing course for years 11 and 12. They have also just had a refurb at Belconnen high and within that refurbishment they have decided to build in a yarnning circle that their students can be using.*²³⁶

Student transitions between schools

- 7.9 The Elected Body identified the management plan for the transitioning of children between schools as its second priority area.
- 7.10 Ms Sam Seton, Executive Branch Manager, Student Engagement, said that the directorate is currently 'setting up really solid transition processes'. She explained that 'that is working with a high school to get to know those year 6 kids in plenty of time before the students move over'.²³⁷
- 7.11 Specifically in relation to Aboriginal and Torres Strait Islander children, she said the directorate is monitoring them in their transition years—year 6 and year 10. In particular, that they were monitoring 'for any attendance that is starting to wobble or any students we might have concerns about so we can get in and do some early intervention'.²³⁸
- 7.12 Ms Seton outlined the range of supports in place to aid students and families in transitions. For individual students, she noted that the directorate has: support at preschool teams; network student engagement teams; and flexible education program teams offering a range of supports. For families, she noted, the directorate has 'social workers and other teams of people to make sure that we have that wraparound for everyone and that we are sharing the relevant information so families do not have to tell their story again and that the school understands the student and can set up those relationships well before they start with them'.²³⁹

²³⁴ Ms Natalie Howson, Director-General, ED, Response to a Question Taken on Notice, No. 1, 23 April 2019.

²³⁵ Ms Meg Brighton, Deputy Director-General, *Transcript of evidence*, 29 March 2019, p. 119.

²³⁶ Ms Kate McMahon, Executive Branch Manager, Learning and Teaching, *Transcript of evidence*, 29 March 2019, p. 120.

²³⁷ Ms Sam Seton, Executive Branch Manager, Student Engagement, *Transcript of evidence*, 29 March 2019, p. 120.

²³⁸ Ms Sam Seton, Executive Branch Manager, Student Engagement, *Transcript of evidence*, 29 March 2019, pp. 120–121.

²³⁹ Ms Sam Seton, Executive Branch Manager, Student Engagement, *Transcript of evidence*, 29 March 2019, p. 121.



- 7.13 The Elected Body spoke about anecdotal reports of some students missing eight to ten weeks of school when transitioning between schools. It raised concerns that the parents of such children may not have adequate information about how the transition process should work.
- 7.14 Ms Natalie Howson, Director-General, responded that such 'incidents should not be happening' and that 'we will deal with those on an individual basis but that warrants a complaint and we should be accountable for what has happened there'.²⁴⁰
- 7.15 In relation to equipping parents to manage such cases, she stated that 'we need to make some adjustments in the way we are managing enrolment transfers across school organisations'.²⁴¹ Mr Ross Hawkins, Executive Group Manager, Service Design and Delivery, added that if there were community members who did not understand the transition process 'then there is some work for us to do as part of the Agreement this year on what that looks like and how we reach out to community and work through what might be a better way to structure some of those interactions'.²⁴²
- 7.16 The Elected Body asked about the transition of students from high school to college and then onto further education or employment, specifically, what process the directorate has in place to support students and schools, and what processes colleges have to support students transitioning out of college?
- 7.17 In a Response to a Question Taken on Notice, the directorate replied that 'universal, selected and targeted strategies are available to support all transition points in ACT public schools'. It explained that universal strategies are in place to aid all students navigate their way through schools while selected and targeted strategies are more personalised or tailored to suit the needs of individual students.²⁴³
- 7.18 The response highlighted the Pathways—a government website—that 'provides students with evidence-informed career learning activities to support them to develop a career action plan as well as a transition plan in year 10 and a post-college plan in years 11 and 12'. It noted that these are usually delivered in schools and colleges by teachers.²⁴⁴
- 7.19 Specific to colleges, the response said:
- All nine colleges have a career qualified Transition and Careers Officer (TaCO) position allocated to their staff. One aspect of the TaCO role is to improve transition processes for students between high school and college and from college to post college destinations.*²⁴⁵
- 7.20 It also outlined that students from year nine onwards are offered the chance to undertake work experience as well as a range of Vocational Learning Options (VLOs). It stated that students 15 years of age and older can obtain a national recognised vocational qualification 'by combining paid work and training as part of their education program through an Australian School-based Apprenticeships (ASBSs)' and that 'in 2018, 27 Aboriginal and Torres Strait Islander student[s] commenced an ASBA, with an additional 23 continuing their ABSA that commenced in 2017'.²⁴⁶

Closing the Gap (education outcomes)

- 7.21 The Elected Body identified services offered to assist in Closing the Gap, particularly the benchmark to assist Aboriginal and Torres Strait Islander children who are not attaining the standard of education they should be as the third priority area. The Elected Body asked what activities the directorate would undertake over the next 100 days to address this issue.

240 Ms Natalie Howson, Director-General, *Transcript of evidence*, 29 March 2019, p. 122.

241 Ms Natalie Howson, Director-General, *Transcript of evidence*, 29 March 2019, p. 122.

242 Mr Ross Hawkins, Executive Group Manager, Service Design and Delivery, *Transcript of evidence*, 29 March 2019, p. 122.

243 Ms Natalie Howson, Director-General, ED, Response to a Question Taken on Notice, No. 9, 23 April 2019.

244 Ms Natalie Howson, Director-General, ED, Response to a Question Taken on Notice, No. 9, 23 April 2019.

245 Ms Natalie Howson, Director-General, ED, Response to a Question Taken on Notice, No. 9, 23 April 2019.

246 Ms Natalie Howson, Director-General, ED, Response to a Question Taken on Notice, No. 9, 23 April 2019.



- 7.22 Mr Mark Huxley, Executive Group Manager, School Performance and Improvement, told the Elected Body that the directorate was focused on 'ensuring that our schools are safe and welcoming places for our Aboriginal students and their families. That is a core tenet of the school review process and the Cultural Integrity journey'.²⁴⁷
- 7.23 He said that a 'challenge for all our schools is knowing more about individual students, what their circumstances are and broadening the use of evidence and data about how we assess the needs of students and what are the best next steps for those students'. He said that this involved knowing more about the student's family and other significant adults in their lives and giving consideration to the role of the teacher; 'It is establishing the full picture of the child'.²⁴⁸
- 7.24 Mr Huxley told the Elected Body that once a full picture of a child is established, the directorate looks at teaching strategies and practices used and considers their impacts. He explained that the directorate is 'strengthening the ability of our school leaders and classroom teachers to identify the impact of those strategies so they can take corrective actions earlier to ensure that students achieve success'.²⁴⁹
- 7.25 On notice, the directorate reiterated Mr Huxley's point on the centrality of Cultural Integrity to Closing the Gap: 'in the context of Aboriginal and Torres Strait Islander children and young people, this involves a genuine and explicit focus on Cultural Integrity throughout each school'. The response stated that incorporating:
- ...the Aboriginal and Torres Strait Islander Histories and Cultures Cross Curriculum Priority of the Australian Curriculum in a rich, meaningful and respectful way across all year levels and areas of learning is a key element to building Cultural Integrity. Building the knowledge and understanding of Aboriginal and Torres Strait Islander histories, cultures, knowledge systems and languages across all ACT public schools is fundamental to increasing the incorporation of Aboriginal and Torres Strait Islander perspectives in every classroom and to building the cultural awareness of all staff.*²⁵⁰
- 7.26 As part of the process to embed Cultural Integrity into the directorate, the response noted statistics on various cultural awareness training and activities undertaken by directorate staff. This included 240 staff completing an online cultural competency course since the beginning of 2017; 160 staff attending then Rediscovering History Symposium in August 2018; and 100 staff participating in the Introduction to Aboriginal Languages Masterclass since mid-2018.²⁵¹

Employment of Aboriginal and Torres Strait Islander people in ED and ACT public schools

Selection panels

- 7.27 The Elected Body asked how many Aboriginal and Torres Strait Islander people had been members of a selection panel within the directorate in the last 12 months.
- 7.28 Ms Alison Fitzgerald, Executive Branch Manager, People and Performance, informed the Elected Body that the directorate does 'not currently report on the composition of our selection panels'. She noted, however, that it does 'have recruitment and selection guidelines that set out what the equity and diversity should be in the different panels that we have in the directorate'.²⁵²

247 Mr Mark Huxley, Executive Group Manager, School Performance and Improvement, *Transcript of evidence*, 29 March 2019, p. 122.

248 Mr Mark Huxley, Executive Group Manager, School Performance and Improvement, *Transcript of evidence*, 29 March 2019, pp. 122–123.

249 Mr Mark Huxley, Executive Group Manager, School Performance and Improvement, *Transcript of evidence*, 29 March 2019, p. 123.

250 Ms Natalie Howson, Director-General, ED, Response to a Question Taken on Notice, No. 18, 23 April 2019.

251 Ms Natalie Howson, Director-General, ED, Response to a Question Taken on Notice, No. 18, 23 April 2019.

252 Ms Alison Fitzgerald, Executive Branch Manager, People and Performance, *Transcript of evidence*, 29 March 2019, p. 124.



- 7.29 Asked how the directorate ensures compliance with their selection and recruitment guidelines, MsHowson responded that 'we cannot answer that question, to be honest, because we do not collect that data'.²⁵³
- 7.30 Ms Beth Craddy, Director, Aboriginal and Torres Strait Islander Education, added that, while she could not provide statistics, 'every position within the Aboriginal and Torres Strait Islander section will have Aboriginal representation on [selection panels], whether it is for identified positions or not'.²⁵⁴
- 7.31 In this context, the Elected Body asked how many selection panels have had at least one member who had completed cultural awareness training.
- 7.32 In response, Ms Coralie McAlister, Executive Branch Manager, Strategic Policy, System Policy and Reform Division, said:

*I would say the majority because, as Ms Brighton talked about, it is due to the investment in cultural integrity training for our principals and members of the corporate executive, of whom we have had over 120 trained. And we are under strict instructions from our director-general to make sure that everybody catches up. In a delegated environment, most of our selection panel chairs have had cultural integrity training.*²⁵⁵

- 7.33 She later clarified that this statement related to the recruitment of staff for 'senior positions'.²⁵⁶

Elected Body comment

- 7.34 The Elected Body again notes the need for the ACT Government to improve the scope and integrity of its data collection systems, including the recording of information on staff compliance with relevant guidelines (see 'Recommendation 3', Chapter 2).

Identified roles for Aboriginal and Torres Strait Islander people

- 7.35 The Elected Body asked how many identified and/or Aboriginal and Torres Strait Islander-specific roles exist within the directorate.
- 7.36 In a Response to a Question on Notice, the directorate said that it was reviewing the number of identified for Aboriginal and Torres Strait Islander-specific positions within the directorate and provided the following:

*Currently there are 21 identified positions occupied within the directorate. Thirteen of these positions exist within the Aboriginal and Torres Strait Islander Section of the directorate, which includes positions both within Schools and the Education Support Office. There are also five identified school assistant positions at Koori Pre-schools, four of which are currently occupied. The remaining positions are split between Schools and the Education Support Office.*²⁵⁷

Support for Aboriginal and Torres Strait Islander staff

- 7.37 The Elected Body asked how Aboriginal and Torres Strait Islander staff were supported to manage the cultural load that they carry and who was responsible for acting on advice that these staff members pass on from community engagement.

253 Ms Natalie Howson, Director-General, *Transcript of evidence*, 29 March 2019, p. 124.

254 Ms Beth Craddy, Director, Aboriginal and Torres Strait Islander Education, *Transcript of evidence*, 29 March 2019, p. 125.

255 Ms Coralie McAlister, Executive Branch Manager, Strategic Policy, System Policy and Reform Division, *Transcript of evidence*, 29 March 2019, p. 125.

256 Ms Coralie McAlister, Executive Branch Manager, Strategic Policy, System Policy and Reform Division, *Transcript of evidence*, 29 March 2019, p. 126.

257 Ms Natalie Howson, Director-General, Education Directorate, Response to a Question Taken on Notice, No. 10, 24 April 2019.



- 7.38 Ms McAlister said that the cultural load carried by Aboriginal and Torres Strait Islander staff is 'something we are starting to see and understand'. She continued: 'we are starting to understand that the load is particularly heavy when you are carrying feedback from the community and there is nowhere in the organisation to go with that'.²⁵⁸
- 7.39 She told the Elected Body that the directorate had begun to focus on the staff network to create pathways for such feedback. She also said that while the directorate did not yet have a deep understanding of the impact of the cultural load of Aboriginal and Torres Strait Islander staff, that there 'is a commitment to acknowledge cultural load'.²⁵⁹

Elected Body comment

- 7.40 The Elected Body reiterates earlier comments on the need for all ACT Government directorates and agencies to do more to recognise the cultural knowledge Aboriginal and Torres Strait Islander staff bring to their jobs and provide structures to support these workers manage the cultural load they carry (see 'Recommendation 5', Chapter 2).

Reporting and management of allegations of racism

- 7.41 The Elected Body asked how many incidents of racism were reported within the directorate each year. It asked how these incidents were reported and how the directorate addresses these.
- 7.42 Ms Fitzgerald explained that formal complaints of racism are captured in the directorate's bullying and harassment data. She said that this data is published in the *State of the Service Report* and that last year 11 incidents of bullying and harassment were reported. She said that the reported incidents related to racism.²⁶⁰
- 7.43 On the processes for reporting and dealing with complaints of racism within the directorate, Ms Fitzgerald stated:
- ...we have informal processes through our Respect, Equity and Diversity contact officers, REDCO officers, obviously, through our staff networks and people whom we have in our department...who are being more and more trained in cultural awareness as well to handle these sorts of complaints and allegations.*
- If employees are not satisfied with those avenues there is obviously...our formal complaints handling process. Similar to the other directorates, that is in line with our enterprise agreement. It is very clearly set out, our preliminary assessment process, and then into a more formal investigation process.*²⁶¹
- 7.44 The Elected Body noted anecdotal evidence received from the community of incidents of racism and bullying within school facilities and on public transport (travelling to and from school). It asked if the directorate has a strategy in place to report and deal with eliminating such incidents.
- 7.45 Ms Howson provided the following response:
- With an example like that, I would hope that the family could raise that with their school and that the school would be mindful that they could raise that with the directorate. We could talk to our colleagues in transport about how their people are geared to support issues like this and what sort of communication and various avenues might be progressed in order to support a whole community shift on this issue. I do appreciate that it is very much about agency, and whether families feel confident. If you are getting presentations about this and people are more confident about raising them, we will see something change as a result.*²⁶²

258 Ms Coralie McAlister, Executive Branch Manager, Strategic Policy, System Policy and Reform Division, *Transcript of evidence*, 29 March 2019, p. 134.

259 Ms Coralie McAlister, Executive Branch Manager, Strategic Policy, System Policy and Reform Division, *Transcript of evidence*, 29 March 2019, p. 134.

260 Ms Alison Fitzgerald, Executive Branch Manager, People and Performance, *Transcript of evidence*, 29 March 2019, p. 126.

261 Ms Alison Fitzgerald, Executive Branch Manager, People and Performance, *Transcript of evidence*, 29 March 2019, pp. 126–127.

262 Ms Natalie Howson, Director-General, *Transcript of evidence*, 29 March 2019, p. 127.



Koori pre-schools

- 7.46 The Elected Body asked a series of question about ACT Koori Pre-schools, including whether all available places were filled, and if not, why?
- 7.47 Ms Brighton said that in 2019 the number of places in Koori Pre-schools was expanded from 90 to 107. The expansion was in line with the National Quality Framework, which 'provides for a certain number of places in preschool'. Of the 107 available places, she told the Elected Body, 90 were currently filled.²⁶³
- 7.48 The Elected Body noted that 60 per cent of identified assistant positions in the Koori Pre-schools were filled by non-Indigenous people. It asked how long this has been the case and what efforts had been made to ensure 100 per cent of identified positions were filled by Aboriginal and Torres Strait Islander staff.
- 7.49 Ms McMahon said that currently 80 per cent of the identified assistant positions are filled by Aboriginal and Torres Strait Islander staff. She said that there 'is one position where we have been unable to do this, and I know that the school is working hard to rectify that situation'.²⁶⁴
- 7.50 The Elected Body asked what consideration was being given to providing additional Koori Pre-schools and what factors would be considered when selecting sites.
- 7.51 Mr Sean Moysey, Executive Branch Manager, Early Childhood Policy and Regulation, responded that the 'things that are being considered include whether we expand the existing Koori Pre-schools, create more, or do both'. If new schools are required, he said that understanding the community and their needs is important and that 'proximity to community is a factor'.²⁶⁵

Year 12 completion rates

- 7.52 In relation to ongoing education, the Elected Body sought figures from the directorate on: how many Aboriginal and Torres Strait Islander students completed year 12 in 2018; how many achieved entry into university and the VET sector; and what level of attainment were achieved.
- 7.53 Ms Deb Efthymiades, Deputy Director-General, System Policy and Reform Division, said that 117 year 12 students identified as Aboriginal and Torres Strait Islander, of which 93 were awarded a senior secondary certificate at the end of the year. This amounted to 79 per cent.²⁶⁶
- 7.54 On the attainment level for those who received an ATAR score, Ms Efthymiades explained that an ATAR of 60 or above 'is a reasonable threshold applied in a lot of courses and provides access to quite a range of courses without special considerations'. She said that '21 per cent of the student cohort, two-thirds of those who got a tertiary entrance statement, got an ATAR of 60 or above'.²⁶⁷
- 7.55 She told the Elected Body that she did not have figures on the number of students who entered university courses, however, she was able to provide figures relating to Vocational Education and Training (VET) certificates:

*The ones who got the VET certificate and a senior secondary certificate were a third of our kids—39 of them. The ones who got a VET certificate but not a senior secondary was another 12 per cent. So 53 kids or 45 per cent of the year 12 students last year completed a VET certificate within their year 12.*²⁶⁸

263 Ms Meg Brighton, Deputy Director-General, *Transcript of evidence*, 29 March 2019, pp. 127–128.

264 Ms Kate McMahon, Executive Branch Manager, Learning and Teaching, *Transcript of evidence*, 29 March 2019, p. 129.

265 Sean Moysey, Executive Branch Manager, Early Childhood Policy and Regulation, *Transcript of evidence*, 29 March 2019, p. 129.

266 Ms Deb Efthymiades, Deputy Director-General, System Policy and Reform Division, *Transcript of evidence*, 29 March 2019, p. 138.

267 Ms Deb Efthymiades, Deputy Director-General, System Policy and Reform Division, *Transcript of evidence*, 29 March 2019, p. 138.

268 Ms Deb Efthymiades, Deputy Director-General, System Policy and Reform Division, *Transcript of evidence*, 29 March 2019, p. 139.



Elected Body comment

- 7.56 The Elected Body believes that the ACT Government can do more to promote better pipelines from years 10 and 12 into further training, education and employment. It also believes that the government must track the results of initiatives in this space through targeted survey work in order to improve policy (see 'Recommendation 6', Chapter 2).

Education for young people in Bimberi

- 7.57 The Elected Body asked a number of questions about the education of young people in Bimberi. Firstly, whether young people there, regardless of their classification, were provided with access to education?
- 7.58 Ms Seton informed the Elected Body that 'the Murrumbidgee Education and Training Centre is within Bimberi' and that 'all students in Bimberi have access to that'. She said that there were circumstances when the directorate does not have access to some students, due to safety reasons or because the student is unwell, but 'on the whole they are working with us in the school setting'.²⁶⁹
- 7.59 The Elected Body then asked how young people are transitioned back into education on their release and what support is offered to them.
- 7.60 Ms Seton replied that previously students moving out of Bimberi 'would have been expected to go straight back to their school', but that this had changed. She explained that currently:

*...they move from Bimberi into our off-campus option. For some students that is a short stay with us, getting them settled again and then helping them transition back into their mainstream setting. For some students, they are going to be with us for a fair bit longer. The off-campus option gives us a range of opportunities. But it is really student-centred. It is a passion project style environment, but it also gives a transport option.*²⁷⁰

Relationship with Gugan Gulwan

- 7.61 The Elected Body noted that Gugan Gulwan provides an essential service to some of the most vulnerable children, young people and their families. It asked what processes were in place to ensure that their work is supported and that the needs of the participants are met by directorate. It also asked how the relationship with Gugan Gulwan is supported.
- 7.62 Mr Hawkins told the Elected Body that he had been in recent contact with Gugan Gulwan's CEO 'so that she has a senior point of contact within the organisation'. He also noted that connections with Gugan Gulwan exist through the directorate's Indigenous education officers.²⁷¹
- 7.63 He explained that the relationship between the directorate and Gugan Gulwan 'is developing and we need to continue to connect the dots and broaden that support'. He also said that he did not think 'it should just sit with Gugan, so part of my to-do list is to reconnect with Julie Tongs in Winnunga to make sure we have good connections in place there'.²⁷²

Secondary and tertiary scholarships

- 7.64 The Elected Body noted the existence of a number of secondary and tertiary scholarship and asked how many of the secondary and tertiary scholarships per year are actually expended and whether there was a strategy to ensure all scholarships are allocated.

269 Ms Sam Seton, Executive Branch Manager, Student Engagement, *Transcript of evidence*, 29 March 2019, p. 132.

270 Ms Sam Seton, Executive Branch Manager, Student Engagement, *Transcript of evidence*, 29 March 2019, p. 132.

272 Mr Ross Hawkins, Executive Group Manager, Service Design and Delivery, *Transcript of evidence*, 29 March 2019, p. 137.



- 7.65 Ms Craddy told the Elected Body that \$75,000 for secondary scholarships and \$80,000 for tertiary scholarships is available each year. She said the scholarship programs are merit-based and allocated according to the number of applications the directorate receives. She explained that 'currently, with the secondary scholarships, we have 15 recipients at \$4,000 per annum per scholarship, which means the allocation for this year is \$60,000. There are 15 still there'.²⁷³
- 7.66 She said that there would be an additional 11 scholarships available at the start of next year and that the 'only thing we can do is try to promote more and encourage more colleges and high schools to support their kids to apply'.²⁷⁴
- 7.67 On the tertiary scholarships, she explained:
- Five were awarded this year. The panel gave out two for teaching and three for health. The top scholarship was worth \$20,000. The next two were worth \$15,000 and the next two were worth \$10,000. There was some difference in the merit order. That was reflected in the amounts that they were offered. That means that there was \$70,000 allocated out of the \$80,000.*²⁷⁵
- 7.68 She told the Elected Body that the remaining funding allocation for the tertiary scholarships is used 'to employ the tertiary scholarship people as casual learning support assistants in schools'.²⁷⁶
- 7.69 The Elected Body noted the near 100 per cent success rate for applications for the scholarships, suggesting more needed to be done to attract more applicants, asking if there was a formal strategy in place to ensure full allocation.
- 7.70 Ms Craddy said that a review of the secondary scholarship process was currently under way. She said that the scholarship was targeted at students undertaking a tertiary package, but the review would consider opening this up to student in the VET pathway. She mentioned that 'of the roughly 100 kids who might be in year 12 at any particular time, only about 20 per cent of those would be undertaking a tertiary package. The idea is actually to rejig the scholarships to provide a greater focus for the other 80 per cent of students'.²⁷⁷

RECOMMENDATION 16

- 7.71 **The Elected Body recommends that the Education Directorate work with high schools and colleges to develop a strategy to maximise the uptake of secondary and tertiary scholarships by Aboriginal and Torres Strait Islander students.**

Indigenous Education Officers

- 7.72 The Elected Body asked the directorate if the number of Indigenous Education Officers (IEO) will be increased.
- 7.73 Ms Craddy responded that the directorate had commenced a new recruitment round for IEO positions and that 'hopefully we will be taking on another three or four at this point in time'.²⁷⁸
- 7.74 She also noted that the IEO role had changed. She explained that officers were originally used when a child needed help. She said that 'we were making assumptions as to what qualifications and what skills people had in those roles, and they felt like they were essentially in a deficit model where they had to go and sort out the hard stuff'. More recently, 'the Indigenous Education Officer role is very much about being a resource person to build the capacity of the school so that, if that person steps away from the school and goes to another job, the school does not take ten steps backwards in regard to their relationship with parents and families'.²⁷⁹

274 Ms Beth Craddy, Director, Aboriginal and Torres Strait Islander Education, *Transcript of evidence*, 29 March 2019, p. 135.

275 Ms Beth Craddy, Director, Aboriginal and Torres Strait Islander Education, *Transcript of evidence*, 29 March 2019, p. 136.

276 Ms Beth Craddy, Director, Aboriginal and Torres Strait Islander Education, *Transcript of evidence*, 29 March 2019, p. 136.

277 Ms Beth Craddy, Director, Aboriginal and Torres Strait Islander Education, *Transcript of evidence*, 29 March 2019, p. 136.

278 Ms Beth Craddy, Director, Aboriginal and Torres Strait Islander Education, *Transcript of evidence*, 29 March 2019, p. 140.

279 Ms Beth Craddy, Director, Aboriginal and Torres Strait Islander Education, *Transcript of evidence*, 29 March 2019, p. 140.

8 JUSTICE AND COMMUNITY SAFETY DIRECTORATE



Topics of discussion during hearings

- 8.1 The Elected Body asked representatives from the Justice and Community Safety Directorate (JACS) questions relating to:
- Procurement processes for Justice Reinvestment community-controlled services
 - Diversionary housing options
 - Access to Alexander Maconochie Centre health services delivered by Winnunga
 - Employment of Aboriginal and Torres Strait Islander people in the JACS
 - Reporting and management of allegations of racism
 - Drug Court
 - ACT Legal Aid
 - The Aboriginal and Torres Strait Islander Caucus
 - The Moss Review
 - Alexander Maconochie Centre
 - JACS's Aboriginal and Torres Strait Islander Action Plan
 - Reducing the number of Aboriginal and Torres Strait Islander detainees and recidivism.

Key issues

Procurement processes for Justice Reinvestment community-controlled services

- 8.2 In its questions to the directorate, the Elected Body highlighted three priority areas where it wished to see action in the next 100 days. The first being the procurement processes for Justice Reinvestment community-controlled services.
- 8.3 In response, Ms Alison Playford, Director-General, told the Elected Body that the directorate is 'currently working with Winnunga on developing a contract for the ongoing services in relation to the Yarrabi Bamirr program'. She said that an 'evaluation of that program has been done, which is what helped us, in the mid-year review, convince Treasury colleagues to support ongoing funding for that program'. She said that the directorate was currently finalising contract arrangements 'in terms of landing our pilot and making it an ongoing program'.²⁸⁰
- 8.4 Ms Playford stated that in relation to other programs, such as the front up service, the interview friends, Galambany Court services and some through-care support programs, the directorate was reviewing its procurement process. She said that the directorate 'will be looking to meet with a range of Aboriginal organisations that might be interested in delivering those services, or part of those services'.²⁸¹

280 Ms Alison Playford, Director-General, JACS, *Transcript of evidence*, 29 March 2019, p. 145.

281 Ms Alison Playford, Director-General, JACS, *Transcript of evidence*, 29 March 2019, pp. 145–146.

- 8.5 She said that the other major service funded under the Justice Reinvestment program is the Aboriginal Legal Service. Ms Playford noted that the current contractual arrangements ended in October 2019 and that the Australian National University is currently reviewing the service.²⁸²

Diversionsary housing options

- 8.6 The second priority identified by the Elected Body was diversionsary housing options. The Elected Body asked what activities the directorate would take in the next 100 days to make progress on this priority area.

- 8.7 Ms Playford provided the following response:

*The directorate has very much identified that diversionsary housing options...are required, given some of the challenges that we face with the numbers of people that we have at the AMC. We are currently going through the ACT Government budget process. These will be decisions for government through that process. Certainly, there are options that the directorate has developed for consideration as part of that current budget process.*²⁸³

- 8.8 She told the Elected Body the directorate was exploring other options, and had 'continued to meet and explore with Yeddung Mura, who have been registered as an Aboriginal housing provider in the ACT, as to how we might partner with them'.²⁸⁴

- 8.9 The Elected Body asked about the development—over the last 12 months—of diversionsary options available to police for Aboriginal and Torres Strait Islander offenders.

- 8.10 In a Response to a Question Taken on Notice, the directorate said that over the past 12 months 'work has continued on embedding the Yarrabi Bamirr (meaning Walk Tall in the Ngunnawal language) program to support Aboriginal and Torres Strait Islander families involved with the justice system to improve life outcomes and reduce or prevent contact with the justice system, particularly trans-generational offending'. It stated that the program had developed since its launched at Winnunga in April 2017 and 'empowers families to be self-reliant in navigating the justice system to get the right help from the right place at the right time' and 'helps keep families together, prevent homelessness and keep people out of prison'.²⁸⁵

Access to Alexander Maconochie Centre health services delivered by Winnunga

- 8.11 The third priority area the Elected Body wanted to see action on in the next 100 days was access to Alexander Maconochie Centre (AMC) health services delivered by Winnunga.

- 8.12 Ms Playford replied that ACT Corrective Services was working in partnership with Winnunga on the practicalities of integrating Aboriginal and Torres Strait Islander-specific health services into the existing justice health service. She explained that this is the responsibility of the Health Directorate and that Corrective Services is 'trying to do what we can to facilitate'.²⁸⁶

- 8.13 The Elected Body wanted to know if, over the next 100 days, the service would be made available outside of the usual nine to five business model.

- 8.14 Addressing the move from the nine to five to a 24/7 model, Mr Jon Peach, Executive Director, ACT Corrective Services, informed the Elected Body that:

282 Ms Alison Playford, Director-General, JACS, *Transcript of evidence*, 29 March 2019, p. 146.

283 Ms Alison Playford, Director-General, JACS, *Transcript of evidence*, 29 March 2019, p. 146.

284 Ms Alison Playford, Director-General, JACS, *Transcript of evidence*, 29 March 2019, p. 146.

285 Mr Richard Glenn, Acting Director-General, Response to a Question Taken on Notice, No. 19, 20 May 2019.

286 Ms Alison Playford, Director-General, JACS, *Transcript of evidence*, 29 March 2019, p. 147.



*...Winnunga have been extremely flexible and positive in working with us to provide the 24/7 [service], and that is well in place now. They have also been exceptionally good in working flexibly with us so that not every patient is required to be seen actually in health care; as with Canberra Health Services a number of clinics are now held across the rest of the site.*²⁸⁷

- 8.15 On the number of people integrated into the service, Mr Peach said that in the three months since the service had started 'we have integrated 13 people to the service with another two to go over today'. He noted that this uptake had been 'slightly slower than what we anticipated', but said that 'we now have some commitments to try and escalate that by five a week so the numbers should hopefully increase significantly'.²⁸⁸

Employment of Aboriginal and Torres Strait Islander people in JACS

- 8.16 The Elected Body asked the directorate how many Aboriginal and Torres Strait Islander people had been part of selection panels over the last 12 months.
- 8.17 In a Response to a Question Taken on Notice, the directorate stated that the 'ACT Government does not collect or record diversity information about panel members' and that, therefore, 'we are unable to provide a complete response to this question'. The response also indicated that the directorate was working with Shared Services to review this.²⁸⁹
- 8.18 The Elected Body asked about the number of selection panels that have had at least one member who had completed cultural awareness training.
- 8.19 In a Response to a Question Taken on Notice, the directorate informed the Elected Body that similarly to diversity information, this information was not recorded. It said that the ACT Government was 'committed to continuing to roll out cultural awareness training to staff'. It noted that this training is 'mandatory for JACS staff who have supervisory or management responsibility or who work with clients or colleagues who identify as Aboriginal and Torres Strait Islander decent' and that the training was also open to all directorate staff.²⁹⁰
- 8.20 The Elected Body asked about the Indigenous Fire and Rescue Employment Strategy (IFARES). In particular, how many participants had completed the program and how many full-time Aboriginal and Torres Strait Islander positions there were in the ACT.
- 8.21 Mr Mark Brown, Chief Officer, Fire and Rescue, ACT Emergency Services Agency, said that two graduates of the 2017 IFARES program had obtained full-time employment with Fire and Rescue, and that there were currently three program participants. He said he hoped that 'all three of those people will be successful and will be recruited as firefighters around mid this year and will enter the recruit training program'.²⁹¹

Reporting and management of allegations of racism

- 8.22 The Elected Body asked how many incidents of racism were reported within the directorate each year, the mechanism for reporting such incidents, and how long it takes to resolve any identified matters?
- 8.23 In a Response to a Question Taken on Notice, the directorate indicated that in 2018–19 'there have been two reported incidents, which include alleged racist comments. One of these incidents was reported by a staff member to a Manager and the other was a written complaint from a contractor'. The response noted that both incidents were still being investigated.²⁹²
- 8.24 During the hearing, Ms Playford spoke about the mechanisms in place to report racism and said that there was:

289 Mr David Pryce, Acting Director-General, Response to a Question Taken on Notice, No. 2, 29 April 2019.

290 Mr David Pryce, Acting Director-General, Response to a Question Taken on Notice, No. 3, 3 May 2019.

291 Mr Mark Brown, Chief Officer Fire and Rescue, ACT Emergency Services Agency, *Transcript of evidence*, 29 March 2019, p. 159.

292 Mr David Pryce, Acting Director-General, Response to a Question Taken on Notice, Nos. 4 and 5, 6 May 2019.



...a range of ways they can be reported. We have a network of Respect, Equity and Diversity officers who are staff members right across our directorate. We have staff who will assist people to make complaints through our regular HR processes... We have an executive for Respect, Equity and Diversity and we encourage people to raise any concerns around the workplace with that executive... And we have an executive champion for Aboriginal and Torres Strait Islander staff...²⁹³

- 8.25 In a Response to a Question Taken on Notice about pathways to report racism, the directorate said that employees with racism-related complaints 'may take their matter to the ACT Human Rights Commission under the *ACT Human Rights Discrimination Act 1991*, or to the Australian Human Rights Commission under the *Racial Discrimination Act 1975 (Cth)*'.²⁹⁴
- 8.26 The Elected Body asked if the reporting mechanisms captured complaints from the general public.
- 8.27 Ms Playford told the Elected Body that the directorate had 'a suite of mechanisms of complaints, both at the business unit level and at a directorate level where formal complaints can be lodged'.²⁹⁵
- 8.28 In a follow-up question, the Elected Body asked how many Respect, Equity and Diversity (RED) officers were Aboriginal and Torres Strait Islander people.
- 8.29 Ms Virginia Hayward, Chief Human Resources Officer, People and Workplace Strategy, said that of the directorate's 34 RED contact officers, one was Aboriginal and worked in Corrective Services. She added that 'that group is coordinated by an Aboriginal man as well, the RED coordinator. We also have a Senior Advisor, Social Inclusion, who identifies as being Aboriginal as well'.²⁹⁶
- 8.30 The Elected Body reported a reluctance on the part of Aboriginal and Torres Strait Islander detainees to report incidents of racism by corrections officers due to the perception that this would result in negative decisions in terms of how they are treated in detention.
- 8.31 Mr Peach replied that 'we have a transparent process in our decision-making, so all our decisions, whether they are made by custodial officers or whether they are made by me at the top, are open to challenge'. In relation to the directorate responding to racism, he said that 'unless people come forward and make those complaints, we cannot investigate them'. He added that there are avenues for detainees to complain that are not through ACT Corrective Services, such as the Human Rights Commission and the Ombudsman.²⁹⁷

Drug Court

- 8.32 The Elected Body asked how the Drug Court would assist Aboriginal and Torres Strait Islander offenders to deal with their addictions.
- 8.33 Mr Richard Glenn, Deputy-Director, Justice, reported that 'the fundamental premise of the Drug Court is to provide a therapeutic environment in which people who might otherwise be in custody are supported by a court and service providers that wraparound the court to be able to deal with their drug and addiction issues'. This, he explained, 'involves regular appearances before the court, regular testing to provide verification that people are complying with the commitments that they make to the court about dealing with their issues, and directions to service provision that will be specifically tailored to that individual'.²⁹⁸
- 8.34 Mr Glenn said that while the Drug Court would be for the population as a whole, government 'recognise that Aboriginal and Torres Strait Islander people who are coming before the court and may be caught up in this process will have particular needs'. Because of this, he continued:

293 Mr David Pryce, Acting Director-General, Response to a Question Taken on Notice, Nos. 4 and 5, 6 May 2019.

294 Mr David Pryce, Acting Director-General, Response to a Question Taken on Notice, Nos. 4 and 5, 6 May 2019.

295 Ms Alison Playford, Director-General, JACS, *Transcript of evidence*, 29 March 2019, p. 150.

296 Ms Virginia Hayward, Chief Human Resources Officer, People and Workplace Strategy, *Transcript of evidence*, 29 March 2019, p. 151.

297 Mr Jon Peach, Executive Director, ACT Corrective Services, *Transcript of evidence*, 29 March 2019, p. 152.

298 Mr Richard Glenn, Deputy-Director, Justice, *Transcript of evidence*, 29 March 2019, p. 152.



...there will be an Aboriginal Liaison Officer who will be assisting not only the court to understand the particular circumstances of that individual and what types of interventions would help with them but also the individual to manage their way through the process with the court itself.²⁹⁹

8.35 He that one of the main challenges the Drug Court would face would be in the area of service provision. He said that the directorate as working with the Health Directorate 'and the non-government alcohol and drug service sector at the moment to design what we can provide people as they go through the court process'.³⁰⁰

8.36 The Elected Body acknowledged that the concept of the Drug Court was a good one but asked what measures were currently being undertaken at AMC to address drug use by Aboriginal and Torres Strait Islander detainees. They expressed concern that if this issue was not addressed the Drug Court process would fail.

8.37 Mr Peach responded that:

In the last two years we have invested significantly in security and intelligence processes, and we have reduced our contraband...significantly. We have had a successful year in terms of identifying methods of contraband coming in, and identifying ways to stop that coming in.

The other thing that is worth mentioning is that traditionally the AMC's practice, very much around our drug testing, is that we have come from a very punitive approach... What we are slowly moving to is that, while a disciplinary element will still be there, those people that are testing positive on urinalysis tests will receive almost automatic referral for counselling, support and options for ongoing support, so that we actually work with people to take them away from drugs...³⁰¹

ACT Legal Aid

8.38 The Elected Body noted that there were four ACT Legal Aid programs being managed by one Aboriginal and Torres Strait Islander female staff member. It asked whether there was a proposal to engage an Aboriginal and Torres Strait Islander male in a similar role and, if not, why not.

8.39 Dr John Boersig, Chief Executive Officer, ACT Legal Aid Commission, said that there were previously two field officers, a male and female. He said that the Commonwealth funding — which supported those positions — had been pulled about three years ago and that government provides 0.5 funding for a position which the Commission tops up to full-time. He noted that, in addition to this position, the Commission had recently appointed a trainee. He stated that while he 'would love to see a male and female person in those roles...] at the moment we are basically doing it within budget'.³⁰²

8.40 The Elected Body asked if the Commission had access to statistics identifying the number of families affected by the removal of children within the ACT.

8.41 Referring to statistics tabled during the hearings, Dr Boersig noted that:

On the back page of that, you will see care and protection proceedings in the Children's Court, and that sets out the stats. You will see that we hit a very high level there, at 39 people in 2017–18. I would like to pay credit to Louise Taylor, who was the Deputy CEO of Legal Aid ACT. She identified a particular need amongst young women, particularly at the AMC, with babies and so forth, and forged a relationship between us and Winnunga so that we are much more able to provide those services. I reckon that statistic reflects her and Telitha's engagement with

299 Mr Richard Glenn, Deputy-Director, Justice, *Transcript of evidence*, 29 March 2019, p. 153.

300 Mr Richard Glenn, Deputy-Director, Justice, *Transcript of evidence*, 29 March 2019, p. 153.

301 Mr Jon Peach, Executive Director, ACT Corrective Services, *Transcript of evidence*, 29 March 2019, p. 154.

302 Dr John Boersig, Chief Executive Officer, ACT Legal Aid Commission, *Transcript of evidence*, 29 March 2019, p. 154.



*that. I hope we can live up to that. They reflect the stats that we currently have in relation to all of our services.*³⁰³

- 8.42 The Elected Body asked what connection the ACT Legal Aid Commission had to the recommendations produced by the Our Booris, Our Way committee concerning the review of child protection and the over-representation of Aboriginal and Torres Strait Islander families in the system.
- 8.43 Dr Boersig replied that the Commission was ‘involved in that and have made some submissions around that’. He continued: ‘we, in particular, made submissions around the decision-making processes within the government department, that they should be more reviewable. We have also put to the government that we should be providing better duty services, not just for the kids but for grandparents’.³⁰⁴
- 8.44 He added that there is a need for early intervention before removal orders are made. He told the Elected Body of cases where children are removed the day they are born ‘and we got them back three days later’. He said that this situation should not occur and that it ‘is about getting in before, and working with Winnunga... to get good decisions made early on in relation to support for that person who is going to have that baby, whether it is at the AMC or when they come out. The earlier we can be involved, and the earlier people know their rights, the better’. He noted the importance of working with grandparents in this process.³⁰⁵

Aboriginal and Torres Strait Islander Caucus

- 8.45 The Elected Body asked how many meetings the leadership within the directorate had had with the Aboriginal and Torres Strait Islander Caucus and the directorate’s plans for the caucus going forward.
- 8.46 Speaking about the directorate’s plans for the Caucus, Mr Glenn replied:

*In terms of plans for the Caucus, there are really two. The first is to continue the very good work the Caucus has been doing under the Aboriginal Justice Partnership to provide a voice back to everybody involved in the partnership around the programs they are doing and the initiatives they are taking. That is a reality check on whether we are delivering the services on the ground and whether they are having the effect people are reporting they are having.*³⁰⁶

- 8.47 The second plan, Mr Glenn explained, ‘is in the design and implementation of actions under the action plan—essentially to get more into a co-design arrangement’. He noted the importance of getting input from the Caucus early in the development of action plans to ensure their appropriateness and relevance for the Aboriginal and Torres Strait Islander community.³⁰⁷

- 8.48 In Response to a Question on Notice about the number of meetings the directorate’s leadership held with the Aboriginal and Torres Strait Islander Caucus in the past 12 months, the directorate responded:

*Historically, both the Caucus and the Advisory Group have met quarterly including a combined meeting of both groups in December 2018. Relevant action items, communiques and key messages from the Caucus are tabled on the agenda of the Advisory Group meetings which follow Caucus meetings by approximately three weeks.*³⁰⁸

303 Dr John Boersig, Chief Executive Officer, ACT Legal Aid Commission, *Transcript of evidence*, 29 March 2019, p. 155.

304 Dr John Boersig, Chief Executive Officer, ACT Legal Aid Commission, *Transcript of evidence*, 29 March 2019, p. 155.

305 Dr John Boersig, Chief Executive Officer, ACT Legal Aid Commission, *Transcript of evidence*, 29 March 2019, p. 156.

306 Mr Richard Glenn, Deputy-Director, Justice, *Transcript of evidence*, 29 March 2019, p. 156.

307 Mr Richard Glenn, Deputy-Director, Justice, *Transcript of evidence*, 29 March 2019, p. 157.

308 Mr David Pryce, Acting Director-General, Response to a Question Taken on Notice, No. 10, 20 May 2019.



The Moss Review

- 8.49 The Elected Body asked which Moss Review recommendations were yet to be finalised and what the strategy and timeline was for complete implementation of the recommendations.
- 8.50 Mr David Pryce, Deputy Director-General, Community Safety, said since the previous Elected Body hearings two recommendations — Recommendations 5 and 6 — were outstanding. He explained that Recommendation 5 related to the integration of Winnunga into the AMC, and referred to information provided earlier in the hearing outlining how this has been delivered.³⁰⁹
- 8.51 Recommendation 6, he noted, related to ‘the building of a separate remand facility’. This issue, he said, ‘is still a matter for government’ and that ‘announcements will be made in due course’.³¹⁰
- 8.52 In relation to the passing of Mr Steven Freeman, the Elected Body sought comment from the directorate about the suggestion that correctional services were not compliant with human rights processes.
- 8.53 Ms Playford replied that at the time of the Moss Review ‘no formal human rights principles were in place to provide a ready guide as to what we mean by human rights compliant’. She explained that the Minister had, since then, launched such principles.³¹¹

Alexander Maconochie Centre

Visiting program

- 8.54 The Elected Body asked how many Elders participated in the AMC’s visiting program, and if they were supported.
- 8.55 Mr Mark Bartlett, Senior Manager, Offender Services and Corrections Programs, informed the Elected Body that there were currently ‘seven people on our books who come out, in terms of visiting elders’. He added that ‘out of the seven community members that come in, four of those come in on a regular basis and carry a very substantial load’.³¹²
- 8.56 The Elected Body asked further about the level of support for the Elders in this program and whether they were debriefed.
- 8.57 Mr Bartlett replied that they provide for an informal debrief over lunch. He added that the elders ‘also provide for us a written evaluation of what has happened. If there are any issues that they have come across, anything in particular that they want to raise, that is reported back to us’.³¹³
- 8.58 Asked if there were plans to increase the number of Elders involved in the program, Mr Bartlett noted that ‘we will take as much interest as possible’. He acknowledged the commitment participating elders make for the program and told the Elected Body that they would be happy to broaden the number of participants.³¹⁴

Elected Body comment

- 8.59 The Elected Body noted that under current arrangements, participating Elders sometimes have difficulty accessing toilet facilities. It therefore makes the following recommendation.

RECOMMENDATION 17

- 8.60 **The Elected Body recommends that the Justice and Community Safety Directorate ensures the ongoing convenient access to visiting Aboriginal and Torres Strait Elders to toilet facilities at the Alexander Maconochie Centre.**

309 Mr David Pryce, Deputy Director-General, Community Safety, *Transcript of evidence*, 29 March 2019, p. 157.

310 Mr David Pryce, Deputy Director-General, Community Safety, *Transcript of evidence*, 29 March 2019, p. 157.

311 Ms Alison Playford, Director-General, JACS, *Transcript of evidence*, 29 March 2019, p. 159.

312 Mr Mark Bartlett, Senior Manager, Offender Services and Corrections Programs, *Transcript of evidence*, 29 March 2019, p. 163.

313 Mr Mark Bartlett, Senior Manager, Offender Services and Corrections Programs, *Transcript of evidence*, 29 March 2019, p. 163.

314 Mr Mark Bartlett, Senior Manager, Offender Services and Corrections Programs, *Transcript of evidence*, 29 March 2019, pp. 163–164.



Aboriginal and Torres Strait Islander programs

- 8.61 The Elected Body cited figures provided by the directorate that 0.88 per cent of the AMC programs budget was allocated for Aboriginal and Torres Strait Islander programs, and that the budget allocated appeared to be for one-off events such as NAIDOC. The Elected Body asked how the needs of Aboriginal and Torres Strait Islander detainees were met for the remainder of the year.
- 8.62 Mr Peach corrected this figure, stating that 1.068 per cent of ACT Correction Services' 'year-to-date budget that is spent on programs for Aboriginal and Torres Strait Islander people for this year'.³¹⁵
- 8.63 He provided a breakdown of the programs covered by this budget allocation:

*NAIDOC obviously is part of that, as are one-off events, but we also provide a range of services across the year. Alongside things such as the transfer of arts and culture program, which replaced the previous Indigenous traditional culture healing and yarning program, we have the AMC Indigenous chaplain service and we have the circle of security parenting program. We run the CALM program, which people will be familiar with, and a range of other adult programs and supports as required and as identified. NAIDOC forms actually a relatively small part of that.*³¹⁶

Supports for detainees at the time of Mr Steven Freeman's death

- 8.64 The Elected Body asked what kind of supports were provided to detainees housed with Mr Steven Freeman at the time of his death in custody.
- 8.65 Mr Pryce confirmed that supports were provided 'to all the detainees in the AMC at the time, because this was a death in custody'. He said that both health and psychological supports were provided.
- 8.66 Responding to a follow-up question on the nature of the support provided, Mr Pryce replied that the Moss Review:

*...did highlight that culturally safe practice and cultural understanding of government officials in corrections and justice health needed to be improved. That was included specifically under Recommendation 9. That is ongoing work that we are doing. Part of having Winnunga embedded within the AMC is to improve our cultural understanding and awareness and, as I mentioned before, supporting detainees, whatever the circumstances, around holistic wellbeing, learning from areas where our response was not that great, quite frankly, following the death of Mr Freeman.*³¹⁷

Sale of Aboriginal and Torres Strait Islander detainees' artwork

- 8.67 The Elected body noted that the AMC has taken on the management of the sale of artworks by detainees. It asked: what the process was for this is; how the sales are managed; how painting supplies are provided; and under what conditions.
- 8.68 Mr Bartlett told the Elected Body that the art sales program had been expanded, specifically around Aboriginal and Torres Strait Islander artworks and that the AMC had held several art exhibitions and produced a catalogue for potential buyers. He said that the AMC 'had a manual kind of process for people to be able to purchase those, and then the funds were transferred back to detainee accounts', with 100 per cent of earnings going to detainees.³¹⁸
- 8.69 On the supply of painting materials, He stated that there:

*...are a number of different ways the materials are provided. Sometimes, for some of the events, Winnunga will donate them; sometimes for particular events we will donate some art supplies. Detainees at any time can purchase art supplies through the normal buy-up process. Again, we can support the facilitation of sales from those as well.*³¹⁹

315 Mr Jon Peach, Executive Director, ACT Corrective Services, *Transcript of evidence*, 29 March 2019, p. 167.

316 Mr Jon Peach, Executive Director, ACT Corrective Services, *Transcript of evidence*, 29 March 2019, p. 167.

317 Mr David Pryce, Deputy Director-General, Community Safety, *Transcript of evidence*, 29 March 2019, p. 168.



Solaris rehabilitation program

- 8.70 The Elected Body asked about the Solaris Rehabilitation Program within the AMC, what the program's success rate was and who is eligible for the program.
- 8.71 In a Response to a Question Taken on Notice, the directorate provided the following information:
- In 2017 (calendar year), 46 participants commenced the Solaris Rehabilitation Program. Of these, 37 per cent identified as Aboriginal and Torres Strait Islander (or both), and 94 per cent of participants who identified as Aboriginal and Torres Strait Islander (or both) successfully completed the program.*
- In 2018 (calendar year), 65 participants commenced the Solaris Rehabilitation Program. Of these, 34 per cent identified as Aboriginal and Torres Strait Islander (or both), and 77.5 per cent of participants who identified as Aboriginal and Torres Strait Islander (or both) successfully completed the program.³²⁰*
- 8.72 The response stated that only male offenders were eligible for the program if they were:
- sentenced males assessed as having moderate to severe substance abuse history
 - remand males are assessed on a case-by-case basis
 - offenders who have at least six months remaining on their custodial sentence
 - offenders who do not have unresolved appellant matters that may impact sentence length.³²¹
- 8.73 In response to a follow-up question as to why the program is not available for female detainees, Mr Bartlett said that this was mainly due to the timeframes for the program. He said that the program operates over four months and that most female detainees 'are on remand and they are generally on remand for fairly short periods. So there is no time to complete an actual program as a group program'.³²²

Mentoring program for newly released Aboriginal and Torres Strait Islander people

- 8.74 The Elected Body asked if there is any form of mentoring program for newly released Aboriginal and Torres Strait Islander people.
- 8.75 Mr Bartlett said that currently there is one such program—the Worldview program. He explained that 'this is an organisation that tries to provide an employment and wellbeing opportunity, as they refer to it, for people. So far we have had 25 people go through the program in custody. They ran a 13-week in-custody component. There were some women that participated in that pilot program as well'. He informed the Elected Body that the program is delivered by two male and one female Aboriginal and Torres Strait Islander mentors.³²³
- 8.76 He told the Elected Body of the opportunities available under the program post-release:
- ...accommodation supports, transport, employment, family counselling, and transport assistance. If people have appointments in the community and they do not have any transport, they will provide the transport as well. It is probably the most holistic program that I have seen being delivered.³²⁴*
- 8.77 He noted that while the program was essentially post-release, the 'pre-release component of that has been really useful in building up the rapport, and creating that pathway for people to continue through'.³²⁵

320 Ms Alison Playford, Director-General, JACS, Response to a Question Taken on Notice, No. 28, 16 April 2019.

321 Ms Alison Playford, Director-General, JACS, Response to a Question Taken on Notice, No. 28, 16 April 2019.

322 Mr Mark Bartlett, Senior Manager, Offender Services and Corrections Programs, *Transcript of evidence*, 29 March 2019, p. 171.

323 Mr Mark Bartlett, Senior Manager, Offender Services and Corrections Programs, *Transcript of evidence*, 29 March 2019, p. 172.

324 Mr Mark Bartlett, Senior Manager, Offender Services and Corrections Programs, *Transcript of evidence*, 29 March 2019, p. 172.

325 Mr Mark Bartlett, Senior Manager, Offender Services and Corrections Programs, *Transcript of evidence*, 29 March 2019, p. 172.



Female detainees

- 8.78 The Elected Body noted that there had been an increase in the number of Aboriginal and Torres Strait Islander female detainees over the last 18 months. It asked whether the directorate employed an Aboriginal and Torres Strait Islander female as an Indigenous Liaison Officer (ILO).
- 8.79 Mr Peach said that the directorate does not employ a female ILO. He added that that 'is subject to funding and at this moment in time we do not have a female ILO'.³²⁶
- 8.80 In a response to a question about births and pregnancy in custody, the directorate provided reported that:
- Over the past two years, a total of two detainees gave birth while in custody of ACT Corrective Services.
 - Female detainees are requested to self-identify as being pregnant prior to transportation to the AMC. As it is at a female's discretion whether they advise ACT Corrective Services of the pregnancy, accurate data for this question is unavailable.³²⁷

JACS's Aboriginal and Torres Strait Islander Action Plan

- 8.81 The Elected Body noted that the directorate's Aboriginal and Torres Strait Islander Action Plan was due for renewal this year. It asked what process the directorate would use to complete the renewal.
- 8.82 Ms Hayward told the Elected Body that the renewal would be part of a broader review of the JACS strategic plan, the workforce strategy, the inclusion statement and the directorate's disability employment action plan.³²⁸
- 8.83 She added that: 'We are running two staff networks, on 10 and 12 April, to look at attraction, retention and career development opportunities, and to build a better version 3 for the employment action plan. That will go through a series of other consultation mechanisms, but the staff network is the first one, on 12 April'.³²⁹

Reducing the number of Aboriginal and Torres Strait Islander detainees and recidivism

- 8.84 The Elected Body asked what measures the directorate would take to stop the increasing number of Aboriginal and Torres Strait Islander detainees.
- 8.85 Mr Pryce pointed to the announcement of the Building Communities, Not Prisons initiative. He explained that the initiative 'is specifically aimed at reducing crime and preventing people from falling into the criminal justice system'. He explained that the initiative has six streams:
- One is reducing the over-representation of Aboriginal and Torres Strait Islander people. One is increasing justice accommodation options. One is responding to the impacts of drug and alcohol dependencies. One is providing more early support for people living with mental illness or disability. Another is opening up more pathways for safe and sustainable bail. The final one is continuing to develop community-building capabilities.*³³⁰
- 8.86 He informed the Elected Body that the government had a target to reduce recidivism by 25 per cent by 2025. He said that the Building Communities, Not Prisons approach called for collaboration across all directorates 'to achieve the outcome of reducing over-representation of Aboriginal and Torres Strait Islander people in particular within the criminal justice system'.³³¹

326 Mr Jon Peach, Executive Director, ACT Corrective Services, *Transcript of evidence*, 29 March 2019, p. 170.

327 Ms Alison Playford, Director-General, JACS, Response to a Question Taken on Notice, No. 32, 18 April 2019.

328 Ms Virginia Hayward, Chief Human Resources Officer, People and Workplace Strategy, *Transcript of evidence*, 29 March 2019, p. 165.

329 Ms Virginia Hayward, Chief Human Resources Officer, People and Workplace Strategy, *Transcript of evidence*, 29 March 2019, p. 165.

331 Mr David Pryce, Deputy Director-General, Community Safety, *Transcript of evidence*, 29 March 2019, p. 166.



9 ACT POLICING

Topics of discussion during hearings

- 9.1 The Elected Body asked representatives from ACT Policing questions relating to:
- Arrests of Aboriginal and Torres Strait Islander people in the ACT
 - ACT Policing response to domestic and family violence
 - Employment of Aboriginal and Torres Strait Islander people within ACT Policing.

Key issues

Arrests of Aboriginal and Torres Strait Islander people in the ACT

- 9.2 The Elected Body asked about the arrest rate for Aboriginal and Torres Strait Islander people since the 2018 hearings.
- 9.3 Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, answered that he could provide figures on charges, but needed to take the question about arrests on notice. He told the Elected Body that since the 2016–17 financial year there had been a 4.6 per cent increase in the number of Aboriginal and Torres Strait Islander people charged.
- 9.4 In a Response to the Question Taken on Notice regarding the arrest rate for Aboriginal and Torres Strait Islander people, ACT Policing provided the following information (Table 6):³³²

Table 6: Number of apprehensions of offenders where cleared by arrest

| Number of apprehensions cleared by arrest | No. | % |
|--|--------------|-------------|
| Identifies as Aboriginal and Torres Strait Islander | 607 | 19% |
| Does not identify as Aboriginal and Torres Strait Islander | 2,569 | 81% |
| Total | 3,176 | 100% |

- 9.5 In addition, the response said that ACT Policing 'is presently examining methods through which to improve the reporting and accessibility of information that can provide insight into interactions with the judicial system'.³³³
- 9.6 The Elected Body asked whether family members are contacted in cases where a juvenile is arrested.
- 9.7 Assistant Commissioner Johnson replied: 'yes, in all cases for Aboriginal and Torres Strait Islander peoples and for the general population. That is a legal requirement'. He also noted that 'in the absence of being able to contact family members, it would be CYPS [Child and Youth Protection Services] that we would contact as an alternative'.³³⁴

332 Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, Response to a Question Taken on Notice, No. 1, 23 April 2019.

333 Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, Response to a Question Taken on Notice, No. 1, 23 April 2019.

334 Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, *Transcript of evidence*, 29 March 2019, p. 179.

- 9.8 Responding to a follow-up question, Assistant Commissioner Johnson said that while CYPS is usually the first point of contact when the family can't be reached, 'it would be dependent on the circumstances. Often they might well know who the family is and we will go to lengths to contact them'. He added that arrested juveniles 'will not be interviewed in the absence of family'.³³⁵
- 9.9 The Elected Body asked whether Aboriginal and Torres Strait Islander community organisations such as Winnunga or Gugan could be contacted in such circumstances.
- 9.10 In Response to a Question Taken on Notice, ACT Policing said:
- While ACT Policing can, and does, make referrals to community organisations (such as Winnunga or Gugan Gulwan), such organisations do not come within the definition of a "responsible person" as set out in the Crimes Act 1900 (ACT).*
- ACT Policing acknowledges that these organisations play very important roles in providing culturally appropriate community support services. These organisations may have the capability to facilitate identifying and contacting appropriate family members when Indigenous children are taken into custody for criminal offences, however ACT Child and Youth Protection Services are the most appropriate ACT Government service to conduct those enquires if required.³³⁶*
- 9.11 The Elected Body then asked how many times interview friends had been called in the last 12 months.
- 9.12 Assistant Commissioner Johnson responded that practically, 'it should be pretty much every time an Aboriginal and Torres Strait Islander person comes in contact with police for interview'. He said he would provide the exact number on notice.³³⁷
- 9.13 In Response to a Question Taken on Notice, ACT Policing explained that under section 23H(2) of the *Crimes Act 1914* (Cth), 'all Aboriginal and Torres Strait Islander persons subject to arrest are entitled to communicate with an interview friend and have an interview friend present during questioning'. It noted that this right can be 'expressly and voluntarily waived by the person'.³³⁸
- 9.14 The response continued that, in line with this legislated requirement, ACT Policing offers the opportunity to contact an interview friend to every Aboriginal and Torres Strait Islander person taken into custody. It also said that in all instances the Aboriginal Legal Service is notified and the person is given the opportunity to contact a legal representative of their choosing.³³⁹
- 9.15 It noted that:
- Due to limitations in the current Police Records Online Management Information System (PROMIS), ACT Policing is unable to quantify the number of times an interview friend or legal representative has been offered, accepted or expressly waived.³⁴⁰*

RECOMMENDATION 18

- 9.16 **The Elected Body recommends that ACT Policing updates its data management system to record the number of Aboriginal and Torres Strait Islander interviewees who have been offered, accepted, or expressly waived an interview friend or legal representation and reports the outcomes in ACT Policing's annual report.**

335 Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, *Transcript of evidence*, 29 March 2019, p. 179.

336 Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, Response to a Question Taken on Notice, No. 2, 23 April 2019.

337 Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, *Transcript of evidence*, 29 March 2019, pp. 179–180.

338 Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, Response to a Question Taken on Notice, No. 3, 23 April 2019.

339 Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, Response to a Question Taken on Notice, No. 3, 23 April 2019.

340 Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, Response to a Question Taken on Notice, No. 3, 23 April 2019.



- 9.17 In this context, the Elected Body asked for data about the number of Aboriginal and Torres Strait Islander arrests, by station.
- 9.18 In the Response to a Question Taken on Notice, ACT Policing provided a breakdown of the per station arrests of Aboriginal and Torres Strait Islander arrests for the period 1 April 2018 to 31 March 2019 (Table 7):³⁴¹

Table 7: Aboriginal and Torres Strait Islander arrests by station

| ACT Police Station | Arrests |
|-----------------------------|------------|
| Belconnen Police Station | 80 |
| City Police Station | 180 |
| Gungahlin Police Station | 32 |
| Traffic Operations Centre | 92 |
| Tuggeranong Police Station | 96 |
| Winchester Centre Belconnen | 25 |
| Woden Police Station | 102 |
| Total | 607 |

ACT Policing response to domestic and family violence

- 9.19 The Elected Body asked how ACT Policing's response to domestic and family violence had been adjusted to be culturally responsive, and how they ensured this occur.
- 9.20 Assistant Commissioner Johnson told the Elected Body that since October 2015 ACT Policing had launched the Family Violence Coordination Unit. He said that the team works closely with ACT Policing's Aboriginal and Torres Strait Islander Liaison Officers (ALOs) in cases of family and domestic violence involving Aboriginal and Torres Strait Islander people. He added that:

Often we find that Aboriginal and Torres Strait Islander people do not report necessarily directly to police. We have had occasion where the issue has been taken up through the liaison officers and they have been the bridge between policing and the family.³⁴²

- 9.21 Commander Mark Walters, Deputy Chief Police Officer, Crime, told the Elected Body of the growing number of conferences focusing on domestic and family violence within Aboriginal and Torres Strait Islander communities. He said that in recent years, ACT Policing had sent representatives from the Family Violence Coordination Unit and their ALOs to attend these conferences. He said that this meant ACT Policing was:

...bringing back that shared experience from policing jurisdictions in dealing with domestic and family violence in Indigenous communities. That is another way that those issues are being looked at across ACT Policing from both a family violence perspective and around the cultural sensitivities Indigenous communities experience around those particular issues.³⁴³

³⁴¹ Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, Response to a Question Taken on Notice, No. 4, 23 April 2019.

³⁴² Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, *Transcript of evidence*, 29 March 2019, pp. 180–181.

³⁴³ Commander Mark Walters, Deputy Chief Police Officer, Crime, *Transcript of evidence*, 29 March 2019, p. 181.



Employment of Aboriginal and Torres Strait Islander people within ACT Policing

9.22 The Elected Body asked how identified police officer and ALO positions there were within ACT Policing.

9.23 Assistant Commissioner Johnson provided the following response:

We have 2.2 ALOs—we have a part-time person—but we are working on expanding that. In terms of ACT Policing and its Indigenous representation, in September last year we hit 2.6 per cent of our workforce. Our workforce is not huge so that is not big in terms of numbers, but it is an improvement. In 2015 we were about 1.5 per cent, so we are heading the right way. It is part of a broader AFP push to increase our percentage. Our target was 2.5 per cent by the end of last year, so ACT Policing has just exceeded that. It works out as 12 police officers and ten professional staff identifying within ACT Policing.³⁴⁴

³⁴⁴ Mr Ray Johnson, APM, Assistant Commissioner, Chief Police Officer for the ACT, *Transcript of evidence*, 29 March 2019, p. 181.

10 ACT HUMAN RIGHTS COMMISSION



Topics of discussion during hearings

- 10.1 The Elected Body asked representatives from the ACT Human Rights Commission questions relating to:
- Alexander Maconochie Centre
 - Racism and the rising rate of child protection reports about Indigenous children.

Key issues

Alexander Maconochie Centre

Audits

- 10.2 The Elected Body asked if the Human Rights Commission is required to undertake regular audits of the AMC to ensure it is compliant with relevant human rights legislation.
- 10.3 Dr Helen Watchirs, OAM, President and Human Rights Commissioner, explained that under section 41 of the *Human Rights Act 2004* (ACT), the Commissioner was not required to conduct audits, but had the power to do so. She said that the Commission had conducted four audits: 'Quamby in 2005, the old Belconnen Remand Centre in 2007, Bimberi in 2011 and the AMC—only the women's area—in 2014'. She also noted that there had recently been a further Commission-initiated review of Bimberi.³⁴⁵
- 10.4 On the Commission's oversight of the AMC, Dr Watchirs stated the following:
- Our work at the AMC continues to be that of accepting complaints, not just discrimination but health, disability and community services, victims of crime, who can also be detainees, and their families. We have an Aboriginal Liaison Officer attending the yarning circles regularly. The Public Advocate attends regularly for vulnerable detainees, both Indigenous and non-Indigenous.*
- We chair an oversight working group; we have done that for a number of years. Now that the inspector is there, they do the secretariat side of that. It brings together the Ombudsman, official visitors and Commission staff. We caucus before we meet with corrections in their regular two-month meeting. We focus on what we want answers to, about how AMC is running.*³⁴⁶
- 10.5 She added that the Commission is not properly resourced to conduct regular audits.³⁴⁷

Overcrowding

- 10.6 The Elected Body asked whether overcrowding at the AMC was a Human Rights violation.

³⁴⁵ Dr Helen Watchirs, OAM, President and Human Rights Commissioner, *Transcript of evidence*, 29 March 2019, p. 184.

³⁴⁶ Dr Helen Watchirs, OAM, President and Human Rights Commissioner, *Transcript of evidence*, 29 March 2019, p. 184.

³⁴⁷ Dr Helen Watchirs, OAM, President and Human Rights Commissioner, *Transcript of evidence*, 29 March 2019, p. 184.

- 10.7 Dr Watchirs responded that it was the responsibility of the Supreme Court to determine 'whether there has been a breach of public authority obligations' in relation to Human Rights violations. She added that:

*To me, overcrowding alone is not a human rights violation, but in accumulation it can amount to inhumane treatment, particularly in relation to separation of sentenced and remand and the high numbers of people on remand in the ACT. We have a very good Australian Law Reform Commission report called 'Pathways to justice' that would help reduce the number of detainees on remand; that needs to be actioned.*³⁴⁸

- 10.8 She highlighted concerns particularly in relation to female detainees. She said that women were moved from the cottage area to the high security area of the prison nearly two years ago as part of an expansion of the facility. On this she said that 'I think that the conditions are certainly not as humane as they were in the past. That is not an improvement, but we have been told that it is temporary'. She added that the Commission would continue to monitor the situation.³⁴⁹

Births in prison and children of detainees

- 10.9 The Elected Body asked if the Human Rights Commissioner considered it a breach of Human Rights if a female prisoner gave birth and could not keep the child in prison with her.

- 10.10 Dr Watchirs responded:

*There is a policy where you are supposed to be able to keep the child, but that has never actually happened in practice. With what has happened since the audit, I am aware that there have been a number of women who have had babies and they have been brought in for the full day for breastfeeding, but they are not allowed to stay overnight when there are fewer staff. We recommended that a service agency be funded to bring the child in, and that has occurred in practice.*³⁵⁰

- 10.11 Dr Watchirs mentioned that New South Wales operated 'an excellent program at Jacaranda Cottages in Emu Plains'. The Commission had recommended that 'there should be an ability for a female to go into that program'.³⁵¹

- 10.12 The Elected Body asked if there had been any incidents where members of the Aboriginal and Torres Strait Islander community had required assistance to be able to have children of people on remand or detained access each other.

- 10.13 Ms Jodie Griffiths-Cook, Public Advocate and Children and Young People Commissioner, replied that the issue 'has not been brought to my attention specifically, no'. She suggested that the Commission may need to increase its profile to encourage more people to contact it when they have such issues.³⁵²

- 10.14 In follow-up, Dr Watchirs noted that one of the findings of the 2014 audit was 'that there were people who had had regular visits to their children and there were months they did not have any visits'. She noted that one of the Commission's recommendation on this was 'for mothers and babies and for older children to have regular visits'.³⁵³

- 10.15 In response to further comment from the Elected Body, Dr Watchirs confirmed that this issue involved the rights of the children as well as the rights of the mother and also 'cultural rights under section 27(2), if you break that link'.³⁵⁴

348 Dr Helen Watchirs, OAM, President and Human Rights Commissioner, *Transcript of evidence*, 29 March 2019, p. 185.

349 Dr Helen Watchirs, OAM, President and Human Rights Commissioner, *Transcript of evidence*, 29 March 2019, p. 185.

350 Dr Helen Watchirs, OAM, President and Human Rights Commissioner, *Transcript of evidence*, 29 March 2019, p. 185.

351 Dr Helen Watchirs, OAM, President and Human Rights Commissioner, *Transcript of evidence*, 29 March 2019, pp. 185–186.

352 Ms Jodie Griffiths-Cook, Public Advocate and Children and Young People Commissioner, *Transcript of evidence*, 29 March 2019, p. 186.

353 Dr Helen Watchirs, OAM, President and Human Rights Commissioner, *Transcript of evidence*, 29 March 2019, p. 186.

354 Dr Helen Watchirs, OAM, President and Human Rights Commissioner, *Transcript of evidence*, 29 March 2019, p. 186.



RECOMMENDATION 19

- 10.16 **The Elected Body recommends that the ACT Human Rights Commission develop and implement an Aboriginal and Torres Strait Islander community engagement plan for the Commission in line with the Elected Body's *Protocols for working with Aboriginal and Torres Strait Islander peoples*.**

Racism and the rising rate of child protection reports about Indigenous children

- 10.17 The Elected Body cited a 2018 *The Canberra Times*³⁵⁵ report in which the Minister for Community Services said that racism may have been a key factor driving up the territory's rate of child protection reports about Indigenous children. The Elected Body asked if this matter had been referred to the Human Rights Commission for investigation, and if not, why not?
- 10.18 Ms Griffiths-Cook replied that the matter had not been referred to the Commission. She noted that with the commencement of the Our Booris, Our Way review, 'many of the issues in relation to the over-representation are being referred to that review'. She said that she is happy to contribute to the review process 'both about issues we are seeing at an individual level that have systemic undertones, and to respond to some of the thinking that is happening in that space about particular recommendations or thoughts to make recommendations'.³⁵⁶
- 10.19 Ms Griffiths-Cook recounted the figures as they pertain to Aboriginal and Torres Strait Islander children:
- There are things about the number of reports that are made. I was looking up the figures on that. I think that, for Aboriginal and Torres Strait Islander children and young people, it is four times greater in reporting. It is seven times greater in terms of cases that are investigated and substantiated. Following on from that, there are 11 times greater numbers in out of home care.*³⁵⁷
- 10.20 On the over-representation of Aboriginal and Torres Strait Islander children in these figures, she stated:
- It begs the question as to not just the systems and whether there are some underlying biases there, but whether those biases exist in community in that first instance. That perhaps needs to be explored and understood. I am certainly hoping that some of the work of the review will highlight where those issues lie and how we might be able to do something with them.*³⁵⁸
- 10.21 Dr Watchirs added that the service arrangement between the ACT Government and the Australian Federal Police for the provision of policing services in the ACT posed some challenges under anti-discrimination legislation, explaining:
- Police are not subject to the Discrimination Act. In every other jurisdiction there is access to a local remedy, but because we get services through the Commonwealth, there is an issue. They are subject to the Human Rights Act. Police are public authorities. The problem is that we do not have a complaints jurisdiction under the Human Rights Act. That is something that we have been asking for a number of years, that was recommended by the Law Reform Advisory Council in its restorative cities project.*³⁵⁹

355 See: Daniel Burdon, 'Racism "a factor" in ACT's high rate of Indigenous child protection reports', *The Canberra Times*, 26 January 2018, <www.canberratimes.com.au/story/6023776/racism-a-factor-in-acts-high-rate-of-indigenous-child-protection-reports/>, viewed 16 July 2019.

356 Ms Jodie Griffiths-Cook, Public Advocate and Children and Young People Commissioner, *Transcript of evidence*, 29 March 2019, p. 186.

357 Ms Jodie Griffiths-Cook, Public Advocate and Children and Young People Commissioner, *Transcript of evidence*, 29 March 2019, p. 187.

358 Ms Jodie Griffiths-Cook, Public Advocate and Children and Young People Commissioner, *Transcript of evidence*, 29 March 2019, p. 187.

359 Dr Helen Watchirs, OAM, President and Human Rights Commissioner, *Transcript of evidence*, 29 March 2019, p. 187.



- 10.22 The Elected Body highlighted that recommendations from reviews such as *We Don't Shoot Our Wounded* remained unimplemented by government decades after their release. It asked if the Commission would have a role in monitoring progress against recommendations made by the Our Booris, Our Way committee.
- 10.23 Ms Griffiths-Cook stated that 'I would be taking that on, regardless of whether that was a role that was formalised through the recommendation process or through the government's response to that'. In particular, she said that given one of the pending recommendations involved the establishment of an Aboriginal Children's Commissioner, 'it would depend on how that was responded to. If that was established I would certainly see myself working alongside that role to undertake that monitoring process'.³⁶⁰

³⁶⁰ Ms Jodie Griffiths-Cook, Public Advocate and Children and Young People Commissioner, *Transcript of evidence*, 29 March 2019, p. 187.

11 TRANSPORT CANBERRA AND CITY SERVICES DIRECTORATE



Topics of discussion during hearings

- 11.1 The Elected Body asked representatives from the Transport Canberra and City Services Directorate (TCCS) questions relating to:
- Public transport
 - Indigenous procurement policy
 - Maintenance funding for Boomanulla Oval
 - Employment of Aboriginal and Torres Strait Islander people in TCCS
 - Cultural awareness within TCCS
 - Engagement with the community
 - Promoting business development opportunities for Aboriginal and Torres Strait Islander people.

Key issues

Public transport

- 11.2 In its questions to the directorate, the Elected Body highlighted three priority areas where it wished to see progress on in the next 100 days. The first bus route design and determining community needs to access transport options.
- 11.3 Ms Fleur Flanery, Executive Branch Manager, Public Transport and Operations, said that the directorate had undertaken to consult with 'Winnunga to look at specific issues around mobility, transport and schools'.³⁶¹
- 11.4 She added that the new bus network design was based on a hub-and-spoke model and that there was flexible transport options available with the Aboriginal and Torres Strait Islander bus. She told the Elected Body that over the next 100 days she would undertake to 'go and understand the needs, perhaps a little more than we do, of both the Aboriginal community and schools in that area'.³⁶²
- 11.5 Ms Emma Thomas, Director-General, Transport Canberra and City Services, added that while bus routes and the number of passengers is important and that Transport Canberra was tasked to carry as many people as possible, 'where there are routes that are absolutely critical to the social fabric of Canberra, we are looking at an on-demand booking system that can help us to help people connect'.³⁶³
- 11.6 In further comment, Ms Thomas mentioned that this technology was new and that Transport Canberra was keen to know how they could use these routes. She said that the directorate was 'working to try to understand where those nodes are that we want to put on that flexible transport system'.³⁶⁴

361 Ms Fleur Flanery, Executive Branch Manager, Public Transport and Operations, *Transcript of evidence*, 29 March 2019, p. 190.

362 Ms Fleur Flanery, Executive Branch Manager, Public Transport and Operations, *Transcript of evidence*, 29 March 2019, p. 191.

363 Ms Emma Thomas, Director-General, TCCS, *Transcript of evidence*, 29 March 2019, p. 191.

364 Ms Emma Thomas, Director-General, TCCS, *Transcript of evidence*, 29 March 2019, p. 191.

Indigenous procurement policy

- 11.7 The Elected Body's second priority area was the Indigenous procurement policy—graffiti removal and lawn-mowing. The Elected Body asked what actions the directorate would take in the next 100 days on this issue.
- 11.8 Mr Ben McHugh, Executive Group Manager, City Operations, City Services, provided the following response:
- ...a whole-of-government Indigenous procurement policy has been developed over recent months in which TCCS has been heavily involved. It will be launched in the coming weeks and applied to our future procurement, particularly around items like this from 1 July into the next financial year. So this will be not only in our operations and management area but also across other areas and service provisions where there are good opportunities to work with local and Indigenous businesses.*³⁶⁵

Maintenance funding for Boomanulla Oval

- 11.9 The Elected Body's third priority area was securing maintenance funding for Boomanulla Oval, and it asked the directorate what would be done to progress this during the next 100 days.
- 11.10 Ms Thomas said that the directorate has 'two years funding as part of our initial upgrade and restoration of Boomanulla'. She added that in undertaking this upgrade and restoration work, 'we have learned so much in working with the community'. She said that the directorate was happy to continue working with the community and needed more 'interaction and input from the community to help us understand what you need and when the handover makes sense'.³⁶⁶
- 11.11 Mr McHugh added that:
- In terms of what the directorate will commit to, we are experts in managing sports fields and playing surfaces. If we can help share that knowledge with potential future managers of the site, that is the path we would really like to start to go down and develop that, whilst continuing to provide that support.*³⁶⁷
- 11.12 In response to a further question on whether there is currently a lease in place or a discussion on a lease for the oval, Mr McHugh replied that 'at the moment there is no lease. As the current land managers of the facility, TCCS have ongoing responsibility until something is determined'.³⁶⁸

Employment of Aboriginal and Torres Strait Islander people in TCCS

- 11.13 The Elected Body asked how many Aboriginal and Torres Strait Islander people had been part of selection panels within the directorate in the past 12 months.
- 11.14 Ms Thomas said that the directorate does not have 'a good measurement system or even any recording system of who is on panels today, other than the panel documentation that gets filled out at the time. We need to improve our data and systems to even collect information about panels'.³⁶⁹
- 11.15 Ms Petra Crowe, Executive Branch Manager, People and Capability said that in terms of forward planning, the directorate wants 'to do a lot of training and investment in developing our recruitment panels, specifically around the areas of unconscious bias and bias. That is on our radar in the next 12 months'.³⁷⁰

³⁶⁵ Mr Ben McHugh, Executive Group Manager, City Operations, City Services, *Transcript of evidence*, 29 March 2019, p. 192.

³⁶⁶ Ms Emma Thomas, Director-General, Transport Canberra and City Services, *Transcript of evidence*, 29 March 2019, p. 192.

³⁶⁷ Mr Ben McHugh, Executive Group Manager, City Operations, City Services, *Transcript of evidence*, 29 March 2019, p. 192.

³⁶⁸ Mr Ben McHugh, Executive Group Manager, City Operations, City Services, *Transcript of evidence*, 29 March 2019, p. 193.

³⁶⁹ Ms Emma Thomas, Director-General, TCCS, *Transcript of evidence*, 29 March 2019, p. 193.

³⁷⁰ Ms Petra Crowe, Executive Branch Manager, People and Capability, *Transcript of evidence*, 29 March 2019, p. 193.



- 11.16 The Elected Body asked how many selection panels had at least one member who had completed cultural awareness training.
- 11.17 Ms Crowe responded that she could not provide specific numbers, but:
- I can say that cultural awareness training is a core training requirement for our directorate. It is a mandatory requirement for all of our senior officers from the SOG C level and up, or equivalent level to SOG C, because we have different classifications. ...I suspect we would have good representation of people who have undertaken the training.*³⁷¹
- 11.18 The Elected Body asked for an overview of the directorate's Aboriginal and Torres Strait Islander Employment Strategy for the last 12 months.
- 11.19 Ms Crowe described the directorate's approach to recruiting Aboriginal and Torres Strait Islander people and the types of support they were provided with for career development. She explained that it was mandatory for all identified positions to be advertised in the *Koori Mail*, and that the directorate has special recruiting information sessions dedicated to Aboriginal and Torres Strait Islander people. She also said that the directorate engaged with recruitment providers such as Ignite.³⁷²
- 11.20 On recruitment, she noted that the directorate is conscious of the need to ensure 'we advertise a position in such a way that it is fit for purpose', explaining:
- When we have advertised a role that might be a manual labour-type role we have been asking people to complete an application, write a set of words and come and sit across a table and answer a set of questions. But they are people keeping our city clean doing manual work so we recognise that that is not fit for purpose and is not engaging the right people into the organisation. We are doing a lot more work to have practical assessments and involve the teams in that approach so it is more relevant to the people applying for jobs with us.*³⁷³
- 11.21 On training measures for the directorate's Aboriginal and Torres Strait Islander employees, Ms Crowe said 'a scholarship fund in our organisation of \$10,000 is available to Aboriginal and Torres Strait Islander people who might wish to take further development studies to gain qualifications'. She also said that the directorate provided 'embedded core training across our organisation'.³⁷⁴
- 11.22 On support and development opportunities, Ms Crowe said that the directorate has a peer-to-peer network, explaining that it 'provides people with support and mentor opportunities. It also allows us to link into identify development for them and it reduces any social isolation they may feel in the workplace'.³⁷⁵
- 11.23 Ms Crowe told the Elected Body that the directorate has vocational programs and traineeships: 'last three folk we had were successful placements across our organisation in business administration, road maintenance, and place management'.³⁷⁶
- 11.24 The Elected Body also asked how many Aboriginal and Torres Strait Islander staff had had the opportunity to participate in higher duties over the last 12 months.
- 11.25 Responding to the Question on Notice, the directorate reported that:

372 Ms Petra Crowe, Executive Branch Manager, People and Capability, *Transcript of evidence*, 29 March 2019, p. 200.

373 Ms Petra Crowe, Executive Branch Manager, People and Capability, *Transcript of evidence*, 29 March 2019, p. 200.

374 Ms Petra Crowe, Executive Branch Manager, People and Capability, *Transcript of evidence*, 29 March 2019, p. 200.

375 Ms Petra Crowe, Executive Branch Manager, People and Capability, *Transcript of evidence*, 29 March 2019, p. 200.

376 Ms Petra Crowe, Executive Branch Manager, People and Capability, *Transcript of evidence*, 29 March 2019, p. 201.



In the last 12 months (April 2018–March 2019), 12 Aboriginal and Torres Strait Islander employees participated in higher duty opportunities, representing 24 per cent of our total headcount (50) compared to 22 per cent for TCCS's remaining workforce.³⁷⁷

- 11.26 The Elected Body asked how the directorate provided employment opportunities for people exiting corrections and youth justice facilities.
- 11.27 Ms Crowe said that the directorate had partnered with the Throughcare program run by the JACS. She said the directorate had 'had three detainees who have been almost ready for parole'. She continued, 'the first person who joined our organisation went into our Yarralumla Nursery and was so fantastic that we extended the three-month non-ongoing opportunity whilst they were still part of the program. They have now been released and they have a six-month non-ongoing contract with our organisation'. She said that a second person had recently started work at Capital Linen and a third due to start there soon.³⁷⁸
- 11.28 She noted that while none of these people were Aboriginal or Torres Strait Islander, 'it is certainly a pipeline that provides that opportunity, and we have good experience with it'. Additionally, she informed the Elected Body that the directorate had started conversations with WorldView, the outcome of which was the directorate had gained 'a good understanding of their organisation and we have invited them to learn about us to see whether there are connections'.³⁷⁹

RECOMMENDATION 20

- 11.29 **The Elected Body recommends that Transport Canberra and City Services Directorate works to include Aboriginal and Torres Strait Islander people in the directorate's partnership with the Justice and Community Safety Directorate's Throughcare program for employment opportunities for people exiting corrections and youth justice facilities.**

Cultural awareness within TCCS

Incidents of racism

- 11.30 The Elected Body asked how many incidents of racism were reported within the directorate each year, and how these incidents were reported.
- 11.31 Both Ms Thomas and Ms Crowe indicated that they had not received any reports specifically concerning racism.³⁸⁰
- 11.32 On the reporting mechanism, Ms Crowe stated that:

We have RED [Respect, Equity and Diversity] officers across our organisation and we regularly call for additional RED officers and provide training. We have a RED executive sponsor who also provides messaging on a regular and consistent basis. People are able to report to their managers, supervisors and executive. We also have opportunities for people to raise issues through de-identified surveys. We ran a pulse survey last year and a major employee opinion survey the year before. That gives us a bit of an idea of any themes, issues or pockets of concern that we might want to explore. And of course they can contact the folk in HR for advice and assistance...³⁸¹

377 TCCS, Response to a Question Taken on Notice, No. 1, no date.

378 Ms Petra Crowe, Executive Branch Manager, People and Capability, *Transcript of evidence*, 29 March 2019, p. 202.

379 Ms Petra Crowe, Executive Branch Manager, People and Capability, *Transcript of evidence*, 29 March 2019, p. 202.

380 Ms Emma Thomas, Director-General, TCCS and Ms Petra Crowe, Executive Branch Manager, People and Capability, *Transcript of evidence*, 29 March 2019, p. 194.

381 Ms Petra Crowe, Executive Branch Manager, People and Capability, *Transcript of evidence*, 29 March 2019, p. 194.



- 11.33 In a follow-up question, the Elected Body asked how the directorate responded to incidents of racism not generated from within the directorate — for example, a member of the public defacing public transport with racist graffiti — and if there was a reporting mechanism for such incidents.
- 11.34 Ms Thomas replied that she had not seen data on such incidents. In cases of graffiti, she said that ‘we have to remove that graffiti in a very specific time. I think we have 24-hours to remove anything of that nature’. She added that ‘without a doubt we have had incidents where we have had to do that’, but could not recall specific cases. She said that usually, ‘the team remove them so quickly that a lot of the time they do not necessarily get reported up’.³⁸²
- 11.35 In response to a follow-up question about how the directorate assessed if a piece of graffiti warranted removal because it was racist or offensive, Mr McHugh said that the directorate took ‘quite a conservative approach to what could be seen as offensive’.³⁸³
- 11.36 The Elected Body noted reports from community members who had experienced incidents of racism and bullying within school facilities and while travelling to and from school on public transport, and asked if the directorate had policies in place to report such incidents and work to eliminate racism.
- 11.37 Ms Thomas told the Elected Body that the directorate had policies in place to address such incidents, but noted that these incidents ‘are not reported to us regularly’. She said that the directorate had the capability to review footage from bus security cameras, ‘so if we are made aware of an incident, we can go back and look at what was happening and help understand that a bit more’.³⁸⁴
- 11.38 Ms Flanery added that the directorate trains ‘all our bus drivers in... cultural awareness and being able to respond to situations like that so that if they see racism or people being abused or vilified in any way they can report it immediately so that we can get transport officers out there’. She said that there were also dedicated school liaison officers ‘who can go back to the school if something is reported’.³⁸⁵
- 11.39 When asked what mechanisms were in place for community members to report such incidents, Ms Flanery replied: ‘you can come in to the ACT Government through the Access Canberra portal. There is also the Transport Canberra and City Services portal; you can send in an email or make a telephone call’.³⁸⁶

Aboriginal and Torres Strait Islander histories, cultures and customs

- 11.40 The Elected Body asked what the directorate had done to demonstrate, recognise and celebrate Aboriginal and Torres Strait Islander histories, cultures and customs.
- 11.41 Ms Thomas said that the directorate had initiated a number of measures through its RAP.³⁸⁷ She explained that the directorate’s initial RAP ‘was really about educating and making us more aware of culture and surroundings... We had 82 actions. Out of that, there were a significant number of recognition activities. One of those was the work we did with the Ngunnawal elders about the flower bed on Vernon Circle’.³⁸⁸
- 11.42 Ms Thomas provided other examples, including the bus wrap designed by Ngunnawal artist Lynnice Keen. She said that the ‘wrap is very important to us as a directorate. It is a big symbol of what we want to do to support the community’. She also noted activities the directorate had taken in NAIDOC Week in 2018.³⁸⁹
- 11.43 Ms Vanessa Little, Executive Branch Manager, Libraries ACT, gave an overview activities Libraries ACT had undertaken to promote Aboriginal and Torres Strait Islander histories, cultures and customs. She told the Elected Body that the 35 programs run in the 2017–18 financial year had attracted 1,336 participants. She said that since

382 Ms Emma Thomas, Director-General, TCCS, *Transcript of evidence*, 29 March 2019, p. 195.

383 Mr Ben McHugh, Executive Group Manager, City Operations, City Services, *Transcript of evidence*, 29 March 2019, p. 195.

384 Ms Emma Thomas, Director-General, TCCS, *Transcript of evidence*, 29 March 2019, p. 196.

386 Ms Fleur Flanery, Executive Branch Manager, Public Transport and Operations, *Transcript of evidence*, 29 March 2019, p. 196.

387 TCCS RAP is available at: <www.tccs.act.gov.au/__data/assets/pdf_file/0006/984030/Reconciliation-Action-Plan.pdf>, viewed 17 July 2019.

388 Ms Emma Thomas, Director-General, TCCS, *Transcript of evidence*, 29 March 2019, p. 196.

389 Ms Emma Thomas, Director-General, TCCS, *Transcript of evidence*, 29 March 2019, p. 197.



2015, Libraries ACT has been involved in Tracks to Reconciliation, 'a really great event organised by Child and Family Centres during Reconciliation Week'. Further, she said that Libraries ACT had worked with CSD during the National Multicultural Festival to organise 'the children's sanctuary', where children got to speak with [Indigenous chef and Bundjalung man] Mark Olive, and that during Canberra Tree Week Libraries ACT had 'hosted a program around scar trees'.³⁹⁰

11.44 Ms Little noted other programs and future plans included:

*Aboriginal artefact making, enabling people to come and experience the creation of Aboriginal artefacts, and dot-paintings. Again, it is about sharing that skill and the stories behind that. We are looking in the future at a digeridoo playing program for young men. I suspect that may be linked to the work that our Aboriginal and Torres Strait Islander liaison officer is doing with the young men's group at Gungahlin.*³⁹¹

11.45 In addition to these programs and activities, Ms Little told the Elected Body that Libraries ACT is active in acquiring Aboriginal and Torres Strait Islander-published materials. She explained that Libraries ACT 'automatically take materials that have been published by Aboriginal and Torres Strait Islander people. We have titles from Aboriginal Studies Press, Magabala Books, IAD Press, Batchelor Press, those sorts of publishers that we know publish those sorts of materials'.³⁹²

Welcome to Country, Smoking Ceremonies, and Water Blessings

11.46 The Elected Body asked the directorate if they had engaged their employees to promote understanding of significant Aboriginal and Torres Strait Islander protocols, in particular, Ngunnawal Welcome to Country, Smoking Ceremonies and Water Blessings.

11.47 Ms Thomas said that such protocols have 'become a very important part of our directorate'. She said that in line with its RAP the directorate was working to 'bring the Ngunnawal acknowledgement into more of our general meetings so it became something people thought about a lot more'. She said when opening significant events, 'we request a Welcome to Country' and gave the example of a festival in Gungahlin.³⁹³

11.48 On Smoking Ceremonies, Ms Thomas said the directorate has 'requested them when we feel that we have something of significance to share with the community', such as the launch of the directorate's RAP.³⁹⁴

Engagement with the community

11.49 The Elected Body asked how the directorate had engaged with Aboriginal and Torres Strait Islander people, communities and organisations over the last 12 months and what the outcome of this had been.

11.50 Mr McHugh responded to the Elected Body:

We obviously use traditional means as we would when we consult on a whole range of things with the broader community. We know we capture Aboriginal and Torres Strait Islander responses through those consultancies. For more targeted stakeholder engagement processes with the support of OATSIA and the Elected Body secretariat we are able to get access to particular community groups who may have a particular interest in the outcome.

³⁹⁰ Ms Vanessa Little, Executive Branch Manager, Libraries ACT, *Transcript of evidence*, 29 March 2019, pp. 197–198.

³⁹¹ Ms Vanessa Little, Executive Branch Manager, Libraries ACT, *Transcript of evidence*, 29 March 2019, p. 198.

³⁹² Ms Vanessa Little, Executive Branch Manager, Libraries ACT, *Transcript of evidence*, 29 March 2019, p. 199.

³⁹³ Ms Emma Thomas, Director-General, TCCS, *Transcript of evidence*, 29 March 2019, p. 202.

³⁹⁴ Ms Emma Thomas, Director-General, TCCS, *Transcript of evidence*, 29 March 2019, p. 202.

*The second part of that question was about the outcome. The outcome is that we develop, in conjunction with those groups, better outcomes that reflect the importance and significance of the culture locally. That is the highlight.*³⁹⁵

- 11.51 Ms Little said Libraries ACT employed an Aboriginal and Torres Strait Islander coordinator whose role was to connect 'across the community to not only engage Aboriginal and Torres Strait Islander people in library programs but to make sure that the library programs are relevant and people feel confident to come in and use the library services'. She said that the coordinator has been working with young men aged eight to 12, mentoring them to use the library and teaching about cyber safety.³⁹⁶
- 11.52 She informed the Elected Body that Libraries ACT had also been working with Gugan and Winnunga, and had a strong relationship with Koori Pre-schools. These contacts, she noted, had been used by Libraries ACT 'in making sure that the programs around celebrating culture and language and those sorts of things are appropriate and successful'.³⁹⁷

Promoting business development opportunities for Aboriginal and Torres Strait Islander people

- 11.53 The Elected Body asked what Aboriginal and Torres Strait Islander outcomes the directorate has achieved through its procurement processes over the last 12 months.
- 11.54 Mr McHugh told the Elected Body:

*We have engaged through procurement with...a range of artists, like Lynnice and Kristie Peters. We have engaged with Murrimatters in helping to guide the development of our second RAP. We have engaged with Thunderstone and with Curijo to help us with our cultural awareness and cultural integrity training. We have also engaged construction companies like Projex and FM Projects services to do maintenance and construction activities across our assets... at a bare minimum, our commitment initiative funding in this current financial year is in excess of \$1.6 million to Indigenous local businesses.*³⁹⁸

395 Mr Ben McHugh, Executive Group Manager, City Operations, City Services, *Transcript of evidence*, 29 March 2019, p. 203.

396 Ms Vanessa Little, Executive Branch Manager, Libraries ACT, *Transcript of evidence*, 29 March 2019, p. 203.

397 Ms Vanessa Little, Executive Branch Manager, Libraries ACT, *Transcript of evidence*, 29 March 2019, p. 204.

398 Mr Ben McHugh, Executive Group Manager, City Operations, City Services, *Transcript of evidence*, 29 March 2019, p. 204.

12 ACT HEALTH DIRECTORATE AND CANBERRA HEALTH SERVICES



Topics of discussion during hearings

- 12.1 The Elected Body asked representatives from the ACT Health Directorate and Canberra Health Services (CHS) questions relating to:
- Residential rehabilitation
 - Mental health services
 - Ngunnawal Bush Healing Farm
 - Employment of Aboriginal and Torres Strait Islander people in the Health Directorate and CHS
 - Cultural awareness within the Health Directorate and CHS
 - Supporting Aboriginal and Torres Strait Islander patients
 - Disease prevention and promotion of health and wellbeing.

Key issues

Residential rehabilitation

- 12.2 In its list of questions to the directorate, the Elected Body identified three priority areas. On the first priority area—residential rehabilitation for Aboriginal and Torres Strait Islander people in the ACT—the Elected Body asked what activities the directorate would take over the next 100 days to make progress on this issue.
- 12.3 Ms Amber Shuhyta, Acting Executive Group Manager, Policy, Partnerships and Program, informed the Elected Body that the directorate had committed to addressing this issue under its RAP³⁹⁹ and the *ACT Drug Strategy Action Plan*.⁴⁰⁰ Under these plans, the directorate had committed to commencing stakeholder engagement ‘around options for that for the territory’.⁴⁰¹
- 12.4 She also said that the directorate had ‘started doing some data and modelling analysis around rough costs and demand as to what that option might look like in scope’. She said currently: ‘it is in the project initiation phase, which is the initial steps of stakeholder engagement and determining out options in that space’.⁴⁰²
- 12.5 The Elected Body said that during the 2018 hearings, one of the areas of most concern for its members was the lack of a solution for the provision of culturally appropriate rehabilitation and detox places for Aboriginal and Torres Strait Islander people in the ACT. The Elected Body asked what the directorate had done since the 2018 hearings to address the issue.

399 Health Directorate RAP, <<https://health.act.gov.au/sites/default/files/2018-09/ACT%20Health%20Reconciliation%20Action%20Plan%202015%20-%202018.pdf>>, viewed 17 July 2019.

400 *ACT Drug Strategy Action Plan*, <www.health.act.gov.au/sites/default/files/2019-03/ACT_Drug_Strategy_Action_Plan_2018-21.pdf>, viewed 17 July 2019.

401 Ms Amber Shuhyta, Acting Executive Group Manager, Policy, Partnerships and Program, *Transcript of evidence*, 29 March 2019, p. 209.

402 Ms Amber Shuhyta, Acting Executive Group Manager, Policy, Partnerships and Program, *Transcript of evidence*, 29 March 2019, p. 209.



- 12.6 Responding to the Question on Notice, the directorate said that since 2018 it 'has been working to identify current gaps in service provision in the alcohol and other drug sector and to inform potential solutions to these gaps. This includes specifically examining gaps in services for Aboriginal and Torres Strait Islander people'. It said that this work would next 'scope and assess the feasibility for an Aboriginal and Torres Strait Islander specific residential rehabilitation facility'.⁴⁰³

Mental health services

- 12.7 Of its second priority area—the directorate's strategy to meet the demand for crisis mental health services for Aboriginal and Torres Strait Islander people—the Elected Body asked what actions would be taken in the next 100 days to address this issue.
- 12.8 Ms Shuhyta told the Elected Body that 'there are a number of strategies already underway', explaining:
- We have ongoing commitment to provide mental health nursing to Winnunga, as well as a psychiatric registrar there, which promotes priority access for people in mental health crisis. We have introduced a similar model in Gugan as well, to help streamline Gugan's access to mental health services through a dedicated mental health nurse there. That promotes priority access and culturally responsive mental health assessment for Aboriginal and Torres Strait Islander people in those services.*⁴⁰⁴
- 12.9 The Elected Body noted that, since 2017, Canberra Hospital's adult mental health unit has been consistently overflowing. The Elected Body asked how this situation impacted the Aboriginal and Torres Strait Islander community and what measures had been put in place to address this impact.
- 12.10 Ms Bracher acknowledged that the occupancy rate of the unit is high. She told the Elected Body that for the 2017–18 financial year there were 881 admissions to the unit. For the current financial year, she said, '652 people have been admitted to the adult mental health unit and 47 of those have identified already this year as Aboriginal and Torres Strait Islander'.⁴⁰⁵
- 12.11 The Elected Body asked what the 652-person figure meant in terms of bed allocation.
- 12.12 Ms Bracher replied that the unit was a 40-bed acute patient care unit, which provides an intended length of stay of 14 days. She said that ten of the beds are high-dependency beds, while the remaining 30 are low-dependency beds. On average, she said, patients stay between ten and 12 days, which is shorter than the intended length of stay, 'so people are being discharged earlier than our care model would state'.⁴⁰⁶
- 12.13 Responding to a follow-up question on the percentage of bed utilisation, Ms Bracher responded that 'statistically it looks like 103 or 104 per cent'. She clarified that this 'is not two people in one bed. As someone is getting towards the end of their admission, part of our model of care is leave from the unit, so a person could stay overnight in their home and come back the next day for assessment... We do that on a daily basis, which tips us over the 100 per cent'.⁴⁰⁷
- 12.14 In response to a further question, she confirmed that there have been cases where people have returned and no beds were available. She said in such circumstance these people would not be turned away but would be kept 'in a lounge area' until a bed is freed-up for them.⁴⁰⁸

403 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 9, 29 April 2019.

404 Ms Amber Shuhyta, Acting Executive Group Manager, Policy, Partnerships and Program, *Transcript of evidence*, 29 March 2019, p. 209.

405 Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, CHS, *Transcript of evidence*, 29 March 2019, p. 220.

406 Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, CHS, *Transcript of evidence*, 29 March 2019, p. 221.

407 Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, CHS, *Transcript of evidence*, 29 March 2019, p. 221.

408 Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, CHS, *Transcript of evidence*, 29 March 2019, p. 222.



RECOMMENDATION 21

- 12.15 **The Elected Body recommends that the Canberra Health Services investigates the impact of overcrowding in the Canberra Hospital's mental health unit on Aboriginal and Torres Strait Islander patients and introduce measures to mitigate any negative impact.**
- 12.16 The Elected Body noted that where the Crisis Assessment and Treatment Team (CATT) was called out to deal with a mental health situation, they would wait until the Australian Federal Police (AFP) were on-site before dealing with patients. The Elected Body asked how CATT made the assessment to call in the AFP.
- 12.17 Ms Bracher responded:
- There are a number of ways they make that assessment. If the person is known to us in the system and we have had a particular response on a previous contact, we may at that point seek the assistance of either the ambulance service or the police service to come with the clinician. If the person is not known to the service, we would make an assessment over the phone, depending on how the person is responding or how the person who has rung up the crisis team is describing the situation in the community. We would use that information as an assessment. Our intake line is a 24-hour line but it is fair to say that at night-time, from ten o'clock at night or 11 o'clock at night until seven o'clock in the morning, our mental health workers do not go out at this point to home visit. So if there is a concern, at that point that unfortunately would require the police to attend; police or the other emergency services.⁴⁰⁹*
- 12.18 The Elected Body asked if there was mental health follow-up program in place for former Aboriginal and Torres Strait Islander AMC detainees.
- 12.19 Ms Bracher said that there was no specific program, but 'if somebody needs mental health follow-up, if they are being seen in the prison... we would refer them almost like we do in the hospital: a discharge process to a community-based service. Often that is the Winnunga service for Aboriginal people'. She said that health services 'have a mental health nurse who works with the Winnunga team in the Narrabundah Health Centre, a psychiatry registrar'.⁴¹⁰

Ngunnawal Bush Healing Farm

- 12.20 The Ngunnawal Bush Healing Farm was the third priority area identified and the Elected Body asked what actions the directorate would take in the next 100 days to facilitate progress on the healing farm.
- 12.21 Mr Michael De'Ath, Director-General, Health Directorate, told the Elected Body that the government believed that 'it is fundamentally important that the Ngunnawal Bush Healing Farm is Aboriginal-led'.⁴¹¹
- 12.22 Further, the Elected Body asked: if a strategic purpose for the healing farm had been established; how the healing farm's board had been engaged or informed of progress over the past 12 months; what the key objectives of the review being undertaken by Mr Taylor were; what the timeframe for Mr Taylor's work was; and what progress the healing farm had made in relation to Mr Taylor's review.
- 12.23 Mr Russell Taylor AM, Independent Chair, Moss Review Implementation Oversight Steering Committee, addressed the Elected Body in Kamilaroi language and then provided a statement addressing the questions.⁴¹²
- 12.24 On the purpose of his review, Mr Taylor explained he 'was engaged to do a review, basically a top-to-tail review that looked that the governance, the management, the programs, the policies and the procedures, right down to the

409 Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, CHS, *Transcript of evidence*, 29 March 2019, p. 222.

410 Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, CHS, *Transcript of evidence*, 29 March 2019, p. 223.

411 Mr Michael De'Ath, Director-General, Health Directorate, *Transcript of evidence*, 29 March 2019, p. 210.

412 Mr Russell Taylor AM, Independent Chair, Moss Review Implementation Oversight Steering Committee, *Transcript of evidence*, 29 March 2019, p. 215.



nitty-gritty detail but starting at the higher order of governance'. He clarified that when 'we say governance we are talking Aboriginal and Torres Strait Islander governance'.⁴¹³

- 12.25 He explained that there had been a lack of communication with the Aboriginal and Torres Strait Islander community, resulting in a spread of misinformation around the healing farm. He noted that there would be a workshop at the Yarramundi Cultural Centre with a fourfold purpose:
- i) to re-engage with the community on the future of the healing farm⁴¹⁴
 - ii) 'to restate the commitment of the ACT Government to the longer term objective of the Ngunnawal Bush Healing Farm, which is to have a healing farm that provides benefits to community in a whole range of ways and that is governed, run, and managed by Indigenous peoples'⁴¹⁵
 - iii) to 'get the perspectives of the people at the workshop about what the new governance arrangements should look like'. He said that the workshop needed to clarify who should be on the governance board, 'because once that is decided we can reconvene the board and start to address issues that go to proper governance arrangements, including program activities, decision support mechanisms et cetera, staffing and whatever'⁴¹⁶
 - iv) to 'seek agreement at the workshop for people to engage in processes for the development of the healing framework'.⁴¹⁷

- 12.26 Of the actions to be taken over the next 100 days, Mr Taylor said:

*I am hoping that we can have not only the workshop but also the healing framework almost done and dusted within that timeframe. That then will allow us to consider other issues and hopefully not only develop a suite of programs that are effective now but also talk about what programs we might entertain in the future and about a whole range of things that you have already asked questions about. It is not a panacea but it is certainly going to make, I think, a strong contribution if we can harness the potential of that property, that facility.*⁴¹⁸

- 12.27 The Elected Body asked if there were residential or day programs provided by the Ngunnawal Bush Healing Farm, and if there would be an exception in relation to methadone.

- 12.28 Mr Taylor said that there was some reluctance in the community to having a methadone program delivered at the healing farm. He added, however, that this would be 'something appropriate for the governance board to have a discussion on, to test their ideas and make a decision'. From this, he said, 'might flow some policy direction on whether people on a methadone program can stay in programs to be delivered at the Bush Healing Farm—or post-dosage'.⁴¹⁹

- 12.29 The Elected Body asked how many programs had been run at the Ngunnawal Bush Healing Farm since the 2018 hearings, and how many people had participated.

- 12.30 The Elected Body heard that since the 2018 hearings three programs (June–September 2018, September–December 2018 and April–June 2019) had been run involving five to ten participants.⁴²⁰

- 12.31 The Elected Body cited comments by the directorate at the 2018 hearings that the issue of travel to the healing farm was contributing to the low number of program participants, and asked what had been done to address the issue.

413 Mr Russell Taylor AM, Independent Chair, Moss Review Implementation Oversight Steering Committee, *Transcript of evidence*, 29 March 2019, p. 215.

414 Mr Russell Taylor AM, Independent Chair, Moss Review Implementation Oversight Steering Committee, *Transcript of evidence*, 29 March 2019, pp. 215–216.

415 Mr Russell Taylor AM, Independent Chair, Moss Review Implementation Oversight Steering Committee, *Transcript of evidence*, 29 March 2019, p. 216.

416 Mr Russell Taylor AM, Independent Chair, Moss Review Implementation Oversight Steering Committee, *Transcript of evidence*, 29 March 2019, p. 216.

417 Mr Russell Taylor AM, Independent Chair, Moss Review Implementation Oversight Steering Committee, *Transcript of evidence*, 29 March 2019, pp. 216–217.

418 Mr Russell Taylor AM, Independent Chair, Moss Review Implementation Oversight Steering Committee, *Transcript of evidence*, 29 March 2019, p. 217.

419 Mr Russell Taylor AM, Independent Chair, Moss Review Implementation Oversight Steering Committee, *Transcript of evidence*, 29 March 2019, p. 220.

420 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 11, 29 April 2019.



The directorate replied that a full-time bus driver had been employed to transport participants to and from the venue.⁴²¹

- 12.32 The Elected Body asked what options had been explored to utilise the healing farm for residential programs, and what the timeframe was for their implementation.
- 12.33 The directorate's response detailed that since 2018 zoning rules had caused 'some uncertainty surrounding the use of the Ngunnawal Bush Healing Farm'. It explained that 'the issue of zoning and permissible use has been extensively canvassed, there is no exclusion of clinical services having a presence at the Ngunnawal Bush Healing Farm, the zoning instead speaks about the core purpose of the facility'.⁴²²

- 12.34 The response continued:

Services consistent with 'a group or organised camp' can be delivered at the NBHF. This can be defined under the Territory Plan as 'short term share accommodation and recreation facilities by a body of persons associated together for the physical, health, spiritual or intellectual welfare of the community'.

*The excluded activities mean that people residing at the NBHF for any period must not require detoxification services but visiting clinical health services may be provided.*⁴²³

- 12.35 The response concluded that the directorate was currently 'exploring options for short-term residential programs that will culturally support Aboriginal and Torres Strait Islander people to re-establish connection to the land and support health and wellbeing and will action the recommendations of the NBHF Review and Healing Framework'.⁴²⁴

Employment of Aboriginal and Torres Strait Islander people in the ACT Health Directorate and CHS

- 12.36 The Elected Body asked how many Aboriginal and Torres Strait Islander people had been part of directorate selection panels in the past 12 months.
- 12.37 On notice, Canberra Health Services stated that they could not provide a response because the ACT Government did not currently 'collect or record diversity information about panel members'. It said that Health Services is working with Shared Services to review recruitment forms to allow for the recording of diversity information. An identical response was provided by the Health Directorate.⁴²⁵
- 12.38 The Elected Body asked how many of the directorate's selection panels had had at least one member who had completed cultural awareness training.
- 12.39 Ms Bernadette McDonald, Chief Executive Officer, Canberra Health Services, told the Elected Body that the directorate had '6,800 staff who had completed cultural awareness training', She said this represented, '93 per cent of our staff. So we would feel reasonably confident to say that there would be many people sitting on panels who have had the cultural awareness training'.⁴²⁶ The directorate and Canberra Health Services later acknowledged that such information is not recorded.⁴²⁷
- 12.40 The Elected Body asked what the directorate's Aboriginal and Torres Strait Islander workforce strategy was.

421 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 13, 29 April 2019.

422 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 12, 29 April 2019.

423 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 12, 29 April 2019.

424 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 12, 29 April 2019.

425 Ms Linda Kohlhagen, Acting Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 2, 26 April 2019; Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 2, 2 May 2019.

426 Ms Bernadette McDonald, Chief Executive Officer, CHS, *Transcript of evidence*, 29 March 2019, p.211.

427 Ms Linda Kohlhagen, Acting Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 3, 26 April 2019; Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 3, 2 May 2019.



- 12.41 Canberra Health Services told the Elected Body that a 'recruitment process for the Manager, Workforce Inclusion position, which will sit within People and Culture, Canberra Health Services, is currently underway', and was expected to conclude in May 2019. The directorate said one responsibility of the new role would be 'the implementation of the Inclusion Strategy' and that the 'initial focus of this strategy will be to promote Aboriginal and Torres Strait Islander employment and engagement' within the Health Services.⁴²⁸
- 12.42 The Elected Body asked how the ten per cent annual growth target of the Aboriginal and Torres Strait Islander workforce was progressing.
- 12.43 In Response to the Question Taken on Notice, Canberra Health Services said 'Aboriginal and Torres Strait Islander employee numbers have remained static over the last two years'. The response referred to the recruitment of the new Manager, Workforce Inclusion, and outlined that a key component of this new role would be to 'improve ways of engagement of Aboriginal and Torres Strait Islander employees into CHS, by encouraging new staff to identify their heritage when completing their New Starter's information to enter employment within CHS'. The response said that 'currently there are likely to be staff who have not identified their heritage, which has reflected on the number of employees within CHS being Aboriginal and Torres Strait Islander descent not being a true reflection of members of this community'.⁴²⁹
- 12.44 The Health Directorate also addressed this question and indicated that there had been no net growth in the number of Aboriginal and Torres Strait Islander people employed by the directorate. Its response stated that it would take measures to increase the self-identification of staff and recruits and that 'upon creation of any new position within the directorate consideration is given as to whether the position is to be identified as a position specifically suitable for a person from an Aboriginal and Torres Strait Islander background'.⁴³⁰

Elected Body comment

- 12.45 The Elected Body believes that the Health Directorate and Canberra Health Services must work harder to meet their Aboriginal and Torres Strait Islander employment targets. This is an issue across all ACT Government directorates and agencies ('Recommendation 7', Chapter 2).

Nursing scholarship program

- 12.46 The Elected Body asked what the status of the nursing scholarship program was, and if all places were filled.
- 12.47 Responding to the Question Taken on Notice, the directorate said that in conjunction with the CIT, it sponsored two Aboriginal and Torres Strait Islander Enrolled Nursing Scholarships under the CIT's Diploma of Nursing course on a full-time or part-time basis. It said that the funding was 'available for a 12-month calendar year. The scholarship provides financial assistance for course tuition, administration fees and the purchase of recommended text books'.
- 12.48 On the take-up of the scholarships, the directorate stated that 'despite promoting and offering the scholarship through CIT late last year, there were no applications received for 2018 or February 2019 intake, which means neither of the two scholarships are currently filled'. The response concluded by saying that the directorate was considering strategies to increase the number of applications.⁴³¹

RECOMMENDATION 22

- 12.49 **The Elected Body recommends that Health Directorate take steps to work with the ACT colleges, the CIT and Aboriginal and Torres Strait Islander community organisations to demonstrate how it will increase the uptake of scholarships under the nursing scholarship program.**

429 Ms Bernadette McDonald, Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 42, 8 May 2019.

430 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 42, 10 May 2019.

431 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 33, 2 May 2019.



Cultural awareness within the ACT Health Directorate and CHS

Incidents of racism

- 12.50 The Elected Body asked how many incidents of racism were reported within the directorate each year, and through what mechanism these were reported.
- 12.51 In reply, Mr De'Ath stated that 'I am not personally aware of any incidents of racism that have been reported'. In a Response to a Question Taken on Notice, the Health Directorate confirmed that there 'have not been any reported instances of racism within the directorate since 1 October 2018'.⁴³²
- 12.52 On the reporting mechanisms, Ms McDonald noted that CHS provided a reporting system specifically for patients. She said that she was not aware of 'any specific incidents of racism with patients that have been reported to us', but noted that such reports 'would come through our complaints process or reports to staff'. She also said that she didn't know of any incidents reported by staff, but if staff did have complaints concerning racism, they could 'report in our incident reporting system of just report to managers'.⁴³³
- 12.53 Responding to the same Question Taken on Notice, CHS said that there 'have been no reports of racism involving Aboriginal and Torres Strait Islander staff within the Canberra Health Services'. The response said that reports are 'received through Workforce Relations who maintain a database to capture information'. It said that this database has been active since January 2014, 'however detailed information on cases has only been captured since October 2018'.⁴³⁴

Aboriginal and Torres Strait Islander Practice Centre

- 12.54 The Elected Body asked how the Aboriginal and Torres Strait Islander Practice Centre improves cultural competency within the Health Directorate.
- 12.55 Ms Shuhyta informed the Elected Body that the practice centre 'does many leading pieces of work, including our active involvement in national committees...and connecting the outcomes and plans through those groups into our local contextual needs'. She noted that the practice centre was leading the development of ACT strategic priorities which build on the government's commitments under the Agreement.⁴³⁵
- 12.56 The Elected Body asked a number of questions relating to the practice centre:
- What are the measures of success for the practice centre?
 - How many staff in the centre hold tertiary qualifications in any health-related field, and in what areas are these staff employed?
 - How many policies and programs have been developed, reviewed and refreshed by the practice centre?
 - How has Winnunga been engaged in these processes to ensure best practice is shared across the sector?
 - What impact has the practice centre had on the ACT Aboriginal and Torres Strait Islander community in the past 12 months?
- 12.57 Ms Shuhyta responded:

I am not of the understanding that there is a process of broader directorate policies coming through the practice centre. That is a really good idea for us to take back to the practice centre in terms of having a review of the broad level of strategies and policies coming through that for cultural competency and cultural responsiveness. In terms of directorate policies then being

432 Mr Michael De'Ath, Director-General, Health Directorate, *Transcript of evidence*, 29 March 2019, p. 211; Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 4, 29 April 2019.

433 Ms Bernadette McDonald, Chief Executive Officer, CHS, *Transcript of evidence*, 29 March 2019, p. 211.

434 Ms Linda Kohlhagen, Acting Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 4, 26 April 2019.

435 Ms Amber Shuhyta, Acting Executive Group Manager, Policy, Partnerships and Program, *Transcript of evidence*, 29 March 2019, p. 213.



*consulted on with Winnunga, there is not a process that we have, apart from developing the relationship that the practice centre has with Winnunga to remain in contact with community needs and having input from that relationship that we maintain through the practice centre to help inform the practice centre's advice to the directorate on a number of issues. But there are no formal mechanisms for that.*⁴³⁶

12.58 The directorate also provided a Response to the Questions Taken on Notice and outlined that in terms of measures of success for the practice centre, key deliverables included:

- building and maintaining relations with Aboriginal and Torres Strait Islander stakeholders
- active involvement in ACT and national committees
- development of a joint Health Directorate and CHS-specific Focus Action Plan under the *Aboriginal and Torres Strait Islander Agreement 2019–2028*
- leading development of the draft *ACT Priorities for Aboriginal and Torres Strait Islander Health 2019–2028*.⁴³⁷

12.59 On the question of staffing, the response noted that the centre does not deliver clinical services requiring specific health-related qualifications and that staff were not required to hold such qualifications. To provide policy advice, the response said, centre staff required 'a comprehensive knowledge, understanding and experience of addressing Aboriginal and Torres Strait Islander health and wellbeing policy issues'. It noted that the centre's name may be contributing to confusion about its role, giving the impression that it is a new health service. To counter this, the response said, the centre had 'already undertaken planning for a new unit name in 2019'.⁴³⁸

12.60 On the centre's input into policy and program input, the response said that the centre was 'focused on core pieces of policy work developed in the past year, including:'

- a health action plan
- draft strategic priorities for Aboriginal and Torres Strait Islander health
- Australian Institute of Health and Welfare reporting
- budget business case for future funding opportunities
- all briefing and QoNs including executive correspondence on Aboriginal and Torres Strait Islander health
- ACT policy position on National Aboriginal and Torres Strait Islander Health Standard Committee agenda items
- redevelopment of the eLearning cultural awareness training and delivery of the staff induction working with Aboriginal and Torres Strait Islander Health
- coordination of Commonwealth responses between the Health Directorate and CHS addressing the Closing the Gap targets for Aboriginal and Torres Strait Islander Health.⁴³⁹

12.61 On the question of how Winnunga has been engaged in the work of the centre, the response stated:

*The Practice Centre have re-established management of stakeholder relations with Winnunga and Gugan that provides advocacy between the community and government to strengthen partnerships. Winnunga and Gugan have been lead organisations contributing to the development of the draft ACT Strategic Priorities for Aboriginal and Torres Strait Islander Health 2019–2028. The Practice Centre will guide continued consultation and engagement with both organisations, government and other stakeholders to assist in finalising this much anticipated strategic piece of work.*⁴⁴⁰

436 Ms Amber Shuhya, Acting Executive Group Manager, Policy, Partnerships and Program, *Transcript of evidence*, 29 March 2019, p. 223.

437 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 29, 2 May 2019.

438 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 29, 2 May 2019.

439 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 29, 2 May 2019.

440 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 29, 2 May 2019.



- 12.62 On the impact of the centre's work on the Aboriginal and Torres Strait Islander community, the response noted the centre had undertaken:
- repositioning Health Directorate's reputation with community via Aboriginal and Torres Strait Islander-led discussions
 - relationship management and funding support to Winnunga to provide primary health services to the Aboriginal and Torres Strait Islander population through midwifery access, hearing health, dental health, correctional outreach service, mental health and wellbeing programs, and delivery of coordinated health care services to Aboriginal and Torres Strait Islander detainees in the AMC
 - relationship management and funding support to Gugan to provide services to the Aboriginal and Torres Strait Islander population via outreach, harm reduction information education and case management, health lifestyles and chronic disease prevention, and early interventional mental health and wellbeing programs
 - investing in community input to inform the development of the draft Strategic Priorities for Aboriginal and Torres Strait Islander health.⁴⁴¹

Aboriginal Liaison Service

- 12.63 The Elected Body noted that during the 2018 hearings it was advised that, as part of the review of the Aboriginal Liaison Service at the Canberra Hospital, CHS would investigate the possibility of extending the service to weekends. The Elected Body asked what the investigation found.
- 12.64 In a Response to a Question Taken on Notice, CHS explained that the 'Aboriginal and Torres Strait Islander Liaison Service Model of Care Review consulted with internal and external stakeholders'. It said that 'a review of available data did not support the introduction of an after-hours services' and that ongoing 'monitoring of after-hours referrals is occurring and will be used to inform any future service expansion'.⁴⁴²
- 12.65 The Elected Body asked for CHS to outline, more broadly, the findings of the review into the Aboriginal Liaison Service and to explain how those findings would be addressed.
- 12.66 The response to the Question Taken on Notice stated:
- The Review of the Model of Care of the Aboriginal and Torres Strait Islander Liaison Service, Division of Medicine provided broad recommendations which Canberra Health Services can consider in future planning and delivery of comprehensive and culturally-inclusive services. Broadly, the recommendations included:*
- *Increased number of staff to meet growth in service demand*
 - *Expansion of the existing Aboriginal and Torres Strait Islander Liaison Service to address key health areas such as women's and children's services, chronic diseases and cancer*
 - *Development of culturally secure services for Aboriginal and Torres Strait Islander peoples*
 - *Provision of cultural face-to-face training guided by Ngunnawal Elders and Aboriginal Torres Strait Islander consumers.*⁴⁴³
- 12.67 The response noted that the recommendations coming out of the review were 'being considered in future service development initiatives'.⁴⁴⁴

441 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 29, 2 May 2019.

442 Ms Linda Kohlhagen, Acting Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 23, 26 April 2019.

443 Ms Linda Kohlhagen, Acting Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 24, 26 April 2019.

444 Ms Linda Kohlhagen, Acting Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 24, 26 April 2019.



12.68 The Elected Body raised feedback it had received from community members that the family room on level 3 near the cardiology ward at the Canberra Hospital was isolated. It asked whether the family room could be co-located with the Aboriginal Liaison Service, and whether both could be located in a more prominent and acceptable location than they currently located were.

12.69 Ms McDonald responded:

*We are crowded and we are about to build a new SPIRE [Surgical Procedures, Interventional Radiology and Emergency] building and move people around. This has been one of the requests that I have become aware of. We are in the process of reviewing all our space. We are just doing a space audit at the moment, to understand who we can move where. So I think that there is an opportunity for us to really look at that now.*⁴⁴⁵

RECOMMENDATION 23

12.70 **The Elected Body recommends that Canberra Health Services develop a plan to co-locate the family room, currently on level 3 of the Canberra Hospital, and the Aboriginal Liaison Service in a prominent and easily accessible location.**

12.71 The Elected Body noted that the Aboriginal Liaison Service was in high demand but currently only employs three staff: a SOG C and two class 5s. It asked on what basis the number and classification levels of staff were justified, taking into consideration that the recently advertised Aboriginal Liaison Officer for the Ngunnawal Bush Healing Farm was at class 6 level.

12.72 Ms McDonald acknowledged that demand for the service had increased, and in light of the role the service plays and the demand on it, she was 'quite committed to reviewing the FTE and seeing what we can do in terms of increasing support and the number in relationship to the activity increase'.⁴⁴⁶

RECOMMENDATION 24

12.73 **The Elected Body recommends that, in view of the high demand placed on the Aboriginal Liaison Service, that Canberra Health Services develop a strategy to make the Aboriginal Liaison Service available seven-days a week and review current staffing levels, numbers and rostering.**

Reconciliation Action Plan refresh

12.74 The Elected Body asked what the process the directorate would use to refresh its RAP.

12.75 The directorate replied to this question in a Response to a Question Taken on Notice:

*In May 2019 the ACT Health Directorate will be meeting with Reconciliation Australia to commence the development of the new Reconciliation Action Plan—Innovate and to agree on the process for refreshing the Reconciliation Action Plan.*⁴⁴⁷

12.76 The Elected Body asked which community partners the directorate had assisted to develop their own RAPs.

12.77 Responding to the Question Taken on Notice, the directorate said that it had not received any invitations from community partners to develop RAPs. The response indicated that the directorate would welcome such an invitation to assist in the development of a RAP.⁴⁴⁸

445 Ms Bernadette McDonald, Chief Executive Officer, CHS, *Transcript of evidence*, 29 March 2019, p. 224.

446 Ms Bernadette McDonald, Chief Executive Officer, CHS, *Transcript of evidence*, 29 March 2019, p. 225.

447 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 36, 2 May 2019.

448 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 37, 7 May 2019.



Cultural history tours and arts policy

- 12.78 The Elected Body asked how many to had done the cultural history tours.
- 12.79 CHS said that 'this was an activity under the Reconciliation Plan 2015–2018 for ACT Health prior to the restructure into ACT Health Directorate and Canberra Health Services'.⁴⁴⁹
- 12.80 The Elected Body asked how the Aboriginal and Torres Strait Islander Health Arts policy had been strengthened.
- 12.81 CHS replied in a Response to a Question Taken on Notice that there 'is no specific Canberra Health Services Aboriginal and Torres Strait Islander Health Arts policy'. It noted, however, that under the Health Services Arts in Health Policy (2017), there was a commitment to an action item in the *ACT Health Reconciliation Action Plan 2015–18*, that 'the entrances of all new ACT Health buildings showcase work by Aboriginal and Torre Strait Islander artists thus ensuring that this work will be properly included within the larger strategy of providing a culturally welcoming environment'. The response noted that special consideration was to be given to artworks by 'local Aboriginal and Torres Strait Islander persons' under the services' artwork acquisition criteria.⁴⁵⁰

Supporting Aboriginal and Torres Strait Islander patients

Encouraging Aboriginal and Torres Strait Islander patients and clients to identify

- 12.82 The Elected Body asked how the directorate and CHS encouraged and supported Aboriginal and Torres Strait Islander patients or clients to identify, and what processes health workers undertook to support those patients who identify as Aboriginal and Torres Strait Islander.
- 12.83 Ms McDonald said that all patients who presented to emergency or were admitted through health services were asked whether they identify as Aboriginal or Torres Strait Islander. She said that responses were entered into the patient administration system and a list was produced daily for the Aboriginal Liaison Officers, who 'then follow up with those patients who have identified'.⁴⁵¹
- 12.84 In a follow up question, the Elected Body asked how CHS ensures that staff ask this question.
- 12.85 In a Response to a Question Taken on Notice, CHS stated that: 'on presentation to Canberra Hospital Emergency Department, admission to hospital or presentation to outpatient services, frontline administration staff should ask all clients about their Indigenous status'.⁴⁵²

Elected Body comment

- 12.86 The Elected Body reiterates points made in other sections of this report concerning the need for the government to improve the integrity and scope of its data collection. The Elected Body emphasises that in order to build better policies and processes, government must ensure that it collects relevant data on the diversity of users of government services and staff compliance with guidelines around the collection of such data. Ensuring the integrity of this data collection may reveal unmet needs for services and policy responses.

Addressing the needs of Aboriginal and Torres Strait Islander patients

- 12.87 The Elected Body asked how CHS addressed the needs of Aboriginal and Torres Strait Islander patients.

449 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 41, 6 May 2019.

450 Ms Bernadette McDonald, Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 31, 8 May 2019.

451 Ms Bernadette McDonald, Chief Executive Officer, CHS, *Transcript of evidence*, 29 March 2019, p. 211.

452 Ms Linda Kohlhagen, Acting Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 6, 26 April 2019.



- 12.88 CHS noted that on 1 October 2018, ACT Health transitioned into two separate organisations: the Health Directorate and Canberra Health Services. For CHS, 'the focus is on ongoing delivery of safe and high quality clinical services, including for Aboriginal and Torres Strait Islander peoples, locally and from surrounding NSW'.⁴⁵³
- 12.89 The Elected Body asked how the directorate would ensure that all new health programs, strategies and policies took into account any impact on the needs of the ACT Aboriginal and Torres Strait Islander people.
- 12.90 Mr De'Ath said he could provide a 'very high level answer'. He noted that part of forming the new Health Directorate had been 'revisiting and redesigning all of our governance arrangements' and the directorate had formed a 'committee that looks at all of our policy activity... around the health system'.⁴⁵⁴
- 12.91 On notice, the directorate recognised 'the importance of holistic health approach to address Closing the Gap targets'. It referred to the work of the practice centre in informing directorate policy concerning Aboriginal and Torres Strait Islander health and wellbeing. It stated that the directorate ensured 'our procurement and funding policies take into account impact on needs of the Aboriginal and Torres Strait Islander population by funding Gugan Gulwan Youth Aboriginal Corporation and Winnunga Nimmityjah Aboriginal Health and Community Services for specific Aboriginal and Torres Strait Islander primary health and wellbeing programs'.⁴⁵⁵
- 12.92 The response noted that all directorate-funded community organisations include performance requirements to ensure they deliver services in a non-discriminatory way, that access to services is assessed on a needs basis, and that they give consideration to the needs of their clients' carers and families where applicable.⁴⁵⁶

Cultural appropriateness when admitting Aboriginal and Torres Strait Islander people

- 12.93 The Elected Body asked how cultural appropriateness was considered when admitting and finding a bed for Aboriginal and Torres Strait Islander people, especially females.
- 12.94 Ms McDonald replied that the first priority of health services was 'clinical need and urgency, and where the most appropriate point of care is for clinical need'. Once this type of immediate need is met, 'if there are particular requirements or requests made by the patient from a cultural perspective we try to accommodate those as well'. She explained that demand for beds is high and health services may not be able to respond to such requests 'in the first instance but it would always be sought to try to move somebody to the most appropriate area within the organisation'.⁴⁵⁷

Aboriginal and Torres Strait Islander young people

- 12.95 The Elected Body asked how the directorate had adjusted its service delivery effort for Aboriginal and Torres Strait Islander young people given growth in this portion of the population.
- 12.96 The directorate outlined a range of programs and projects targeted to, or involving, Aboriginal and Torres Strait Islander young people including:
- the Aboriginal and Torres Strait Islander Young People Sexual Health Outreach project, to provide targeted services in settings such as Gugan Gulwan Youth Aboriginal Corporation, Ted Noffs residential services and Bimberi
 - the ACT Core of Life Program, which targets young people through interactive workshops and focusing on pregnancy, birthing, and parenting
 - increasing the immunisation rate of Aboriginal and Torres Strait Islander children in the ACT.⁴⁵⁸

453 Ms Linda Kohlhagen, Acting Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 19, 26 April 2019.

454 Mr Michael De'Ath, Director-General, Health Directorate, *Transcript of evidence*, 29 March 2019, pp.213–214.

455 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 8, 2 May 2019.

456 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 8, 2 May 2019.

458 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 16, 2 May 2019.



Aboriginal and Torres Strait Islander consumer, carer and family feedback mechanism

12.97 The Elected Body asked CHS to describe the Aboriginal and Torres Strait Islander consumer, carer and family feedback mechanism.

12.98 In response, CHS stated that it:

...encourages feedback from all consumers to improve the healthcare experience and reduce the need for formal complaints. Consumers can provide feedback to CHS by speaking to a staff member at the point of service; making contact by telephone, email, in writing, online or completing a consumer feedback form. The consumer feedback form and online option allows consumers to identify as Aboriginal and/or Torres Strait Islander.⁴⁵⁹

Drug and alcohol addictions in the Alexander Maconochie Centre

12.99 The Elected Body noted that for a long period, an average of 23 per cent of Aboriginal and Torres Strait Islander detainees at AMC had ongoing drug and alcohol addictions. It asked what the directorate had done to treat and deal with this ongoing problem both within the AMC and the community.

12.100 Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, CHS, explained that for members of the community there was a tiered system in place:

Some people see their GP, are prescribed by their GP and are treated in the community by a community pharmacist. Some people who may need an addictions physician are assessed by an addictions physician but are then treated in the community by a community pharmacist. But for some people who are quite acute and whose lifestyle might be quite chaotic we have an addictions service at the Canberra Hospital that has addictions physicians who assess and provide treatment and care. We also provide the medication at the Canberra Hospital for those people on a daily basis.⁴⁶⁰

12.101 She said following the death of Mr Steven Freeman, and in light of the recommendations of the Moss Review into his death, health services had undertaken a major review of methadone dosing at the prison. From this, she said, 'we made some significant improvements'. In terms of health services AMC detainees, she said:

We now have an alcohol and drug worker who does a very comprehensive assessment of the person, a nursing assessment of the person. The person's case is then considered through a multidisciplinary team meeting. Then the person is assessed by a medical officer. If all of that is heading towards a prescription for opiate replacement therapy, that is provided in the prison.⁴⁶¹

12.102 The Elected Body noted anecdotal reports of cases where Aboriginal and Torres Strait Islander people who are not using methadone enter detention in the AMC and are subsequently put on the methadone program. The Elected Body asked for assurances that proper checks were in place to ensure people were given appropriate treatment while in detention.

12.103 Ms Bracher said that the 'alcohol and drug nurse, then the case conference and then the assessment by the GP are all about gathering information from the individual themselves and also from treating services in the community. So we try very hard to gather that information'. She added that there is 'an opportunity when people enter detention, go into the AMC, to provide them with more holistic care'.⁴⁶²

459 Ms Bernadette McDonald, Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 38, 8 May 2019.

460 Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, CHS, *Transcript of evidence*, 29 March 2019, p. 218.

461 Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, CHS, *Transcript of evidence*, 29 March 2019, pp. 218–219.

462 Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, CHS, *Transcript of evidence*, 29 March 2019, p. 219.



12.104 The Elected Body asked for data on the number of Aboriginal and Torres Strait Islander people taking part in those programs through the AMC.

12.105 Ms Bracher provided the following information:

On 20 March we did a snapshot in preparation for today. There were 104 detainees at AMC on the methadone program, on the opiate replacement program. That is 22 per cent of the prison population. Twenty-three of those detainees, so 23 of the 104, identified as Aboriginal or Torres Strait Islander. That is five per cent of the prison population. Eighty-one of the 104 detainees did not identify or were non-Indigenous.⁴⁶³

Aboriginal and Torres Strait Islander parents and carers of children with high needs

12.106 The Elected Body said that it understood that a diagnoses for Autism could involve one psychiatrist and two psychologists, which is not covered by Medicare. It asked how the directorate supported low income families with career responsibilities and a high needs child access specialists for Autism diagnosis.

12.107 The question was taken on notice. The response stated:

The Autism Assessment Service is part of the Community Services Directorate's Child Development Service (CDS). It provides a comprehensive Autism Spectrum Disorder assessment service for children up to the age 12 years who live in the ACT. This is a free service that requires a referral from a paediatrician or psychiatrist.⁴⁶⁴

12.108 The response also noted that paediatricians can be accessed either through the public system or privately with a referral from a GP or medical specialist of Child Medical Health Officer.⁴⁶⁵

12.109 The Response continued:

The CDS also works collaboratively with staff from Aboriginal community-controlled services, such as Winnunga Nimmityjah, to prioritise assessments for children from Aboriginal and Torres Strait Islander backgrounds with developmental delays, including those seeking assessments for autism spectrum disorder. Aboriginal and Torres Strait Islander families are also supported to link to the National Disability Insurance Scheme (NDIS) partner in the community, NDIS EACH, to access early intervention services.⁴⁶⁶

Bed availability in the detox unit

12.110 The Elected Body alleged there was a lack of clarity about the number of beds in the detox unit available to Aboriginal and Torres Strait Islander people. It asked CHS to provide statistics on the utilisation of the beds in the last 12 months.

12.111 In a Response to a Question Taken on Notice, CHS stated that there were 'ten beds in the Alcohol and Drug Services Withdrawal Unit, and all of beds are available to Aboriginal and Torres Strait Islander people', noting that, on average, six of the ten beds are utilised each day between 1 April 2018 and 31 March 2019. The response stated that while 'there is no dedicated Aboriginal and Torres Strait Islander withdrawal unit/service in the ACT, the Alcohol and Drug Services Withdrawal Unit has a priority system for Aboriginal and Torres Strait Islander people to access the service'.⁴⁶⁷

⁴⁶³ Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, CHS, *Transcript of evidence*, 29 March 2019, p. 219.

⁴⁶⁴ Ms Linda Kohlhagen, Acting Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 18, 26 April 2019.

⁴⁶⁵ Ms Linda Kohlhagen, Acting Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 18, 26 April 2019.

⁴⁶⁶ Ms Linda Kohlhagen, Acting Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 18, 26 April 2019.

⁴⁶⁷ Ms Linda Kohlhagen, Acting Chief Executive Officer, CHS, Response to a Question Taken on Notice, No. 22, 26 April 2019.



Disease prevention and promotion of health and wellbeing

- 12.112 The Elected Body asked what strategies the directorate had for meeting National Partnership commitments around vaccination, sexually transmitted diseases and smoking cessation for the Aboriginal and Torres Strait Islander community.
- 12.113 On vaccinations, the directorate said that an objective of the National Partnership agreement was 'increasing vaccination coverage rates in Aboriginal and Torres Strait Islander children'. To this end, the reponse noted that the directorate employed are range of methods including: monthly reminders to parents of children overdue for their shots; sending the details of overdue children to Winnunga for follow-up; and promotional campaigns.⁴⁶⁸
- 12.114 On sexually transmitted disease prevention, it noted that the 'ACT Statement of Priorities 2016–2020 for Hepatitis C, HIV and Sexually Transmissible Infections (STIs) was developed as the ACT response to the five national strategies focused on prevention and management of STIs and Blood Borne Viruses (BBVs). It identifies Aboriginal and Torres Strait Islanders as a priority population'. The directorate indicated the ACT STI and BBV committee is engaging with community organisations for the 'implementation and monitoring of progress against the targets in the Statement of Priorities'. It added that a 'focus of the committee in 2019 will be addressing the increasing rates of STIs in youth, including Aboriginal and Torres Strait Islander people'.⁴⁶⁹
- 12.115 On strategies for promoting smoking cessation, the directorate highlighted the 'Smoking in Pregnancy' pilot project. It explained that the project, due to conclude in June 2019, focused on: 'education and awareness raising campaigns, including the development of culturally appropriate smoking cessation resources for Aboriginal and Torres Strait Islander women; nicotine replacement therapy where clinically indicated for young pregnant smokers, partners, household members and peers; and service sector capacity building'.⁴⁷⁰
- 12.116 The Elected Body noted the prevalence of chronic disease for Aboriginal and Torres Strait Islander people in the ACT and surrounding regions. It asked what specific activities the directorate had undertaken to address chronic disease prevention and detection and care for Aboriginal and Torres Strait Islander people.
- 12.117 The directorate said that it has 'a number of strategies that create healthier environments and empower individuals to address the modifiable risk factors that influence chronic disease' for all ACT residents, including Aboriginal and Torres Strait Islander people. It said these included: Fresh Tastes, Kids at Play, Ride or Walk to School and It's Your Move. It noted the focus of these programs is 'to involve individuals in their health and impart the skills, knowledge and resilience to make informed healthy choices'. On specific activities for Aboriginal and Torres Strait Islanders, it highlighted the Smoking in Pregnancy project.⁴⁷¹
- 12.118 The Elected Body wanted to know if the directorate understands what led to the increase in uptake of the Aboriginal and Torres Strait Islander health-specific assessments in the past years. It also asked how these lessons are being applied more broadly and whether is it consistent across all access points.
- 12.119 The directorate informed the Elected Body that 'health-specific assessments are a part of the primary health sector which is delivered through GPs and Winnunga'. It noted that directorate 'funding contributes to this access through our Service Funding Agreement with Winnunga, however this is primarily supported by Commonwealth funding'. The directorate indicated that the following may have led to the increased uptake:
- *Winnunga Annual Report 2017–18* highlights the launch of the National Deadly Choice initiative supported by the Australian Rugby League, which aims to empower Aboriginal and Torres Strait Islander people to make healthy choices for themselves and the families. Winnunga is a partner with Deadly Choices and actively promotes the up-take of annual health checks through their GPs.

468 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 17, 1 May 2019.

469 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 17, 1 May 2019.

470 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 17, 1 May 2019.

471 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 21, 14 May 2019.



- Capital Health Network (CHN) has commissioned Grand Pacific Health to deliver care coordination and supplementary services through an Integrated Team Care, which is Australian Government-funded. CHN provide funding to local Aboriginal Community Controlled Organisations including Winnunga and ensure mainstream access points provide culturally appropriate services and increase the uptake of bulk billed MBS items for Aboriginal and Torres Strait Islander people, including annual health checks.⁴⁷²
- 12.120 The Elected Body asked what Aboriginal and Torres Strait Islander health topics were covered in the last three years at the Canberra Health Annual Research meeting.
- 12.121 The directorate provided a breakdown of the last three research meetings. In 2016, the directorate said, the program included a full session on Aboriginal and Torres Strait Islander health. It said that the session covered:
- a systematic review of self-administered tools measuring the cultural competence of health professionals
 - understanding barriers to fruit and vegetable intake in the Australian Longitudinal Study of Indigenous Children: A mixed methods approach
 - understanding the needs of Aboriginal and Torres Strait Islander families in a neonatal unit
 - engaging health professions with the story of culture: Strategies for innovation in Aboriginal health and wellbeing
 - Professor Sandra Eades' keynote address was on closing the Gap in Aboriginal health: Recent progress and ongoing challenges—the contribution of health research.⁴⁷³
- 12.122 The 2017 meeting covered:
- Kindy Health Check: ACT children's mental health risk and associations with socioeconomic disadvantage
 - emergency department presentations in Paediatric Cohort in Remote Australia.⁴⁷⁴
- 12.123 The 2018 meeting covered:
- Discharge Inpatients Experience Survey Reporting Site
 - Characterising Structural Variation in Indigenous Australian Genomes.⁴⁷⁵

472 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 28, 10 May 2019.

473 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 39, 6 May 2019.

474 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 39, 6 May 2019.

475 Mr Michael De'Ath, Director-General, Health Directorate, Response to a Question Taken on Notice, No. 39, 6 May 2019.



APPENDIX A WITNESSES

Chief Minister, Treasury and Economic Development Directorate

- Ms Kathy Leigh, Head of Service
- Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance
- Ms Kareena Arthy, Deputy Director-General, Economic Development
- Mr Dave Pepper, Deputy Director-General, Access Canberra
- Mr David Nicol, Under Treasurer
- Ms Bettina Konti, Chief Digital Officer
- Mr Robert Wright, Executive Group Manager
- Ms Josephine Andersen, Director of Skills Canberra
- Ms Sam Tyler, Director artsACT
- Ms Rebecca Kelley, Director Sports and Recreation, Economic Development
- Mr Craig Harrison, Executive Branch Manager, Innovation, Industry and Investment
- Mr Shaun Strachan, Deputy Under Treasurer, Commercial Services and Infrastructure

Canberra Institute of Technology

- Ms Leanne Cover, Chief Executive Officer
- Mr Paul Ryan, Executive Director, Industry Engagement and Strategic Relations

Community Services Directorate

- Ms Rebecca Cross, Director-General
- Ms Anne Maree Sabellico, Executive Director, Strategic Policy
- Ms Louise Gilding, Executive Director, Housing ACT
- Ms Jo Wood, Coordinator-General for Family Safety
- Ms Ellen Dunne, Executive Branch Manager, Office for Disability
- Ms Christine Murray, Executive Branch Manager, People Management
- Ms Helen Pappas, Executive Director, Children, Youth and Families
- Ms Melanie Saballa, Director, Children and Families
- Ms Lisa Charles, Director, Office for Aboriginal and Torres Strait Islander Affairs
- Ms Jacinta Evans, Executive Group Manager, Inclusion and Participation
- Ms Jodie Robinson, Senior Director, Practice and Performance, Child, Youth and Families



Environment, Planning and Sustainable Development Directorate

- Mr Ben Ponton, Director-General
- Mr Craig Simmons, Chief Operating Officer
- Mr Ian Walker, Executive Director of Environment
- Mr Jaime Elton, Director, People and Capability
- Mr Daniel Iglesias, Director, ACT Parks and Conservation Service
- Ms Fiona Moore, Senior Manager, ACT Heritage
- Ms Mary Mudford, Manager, Healthy Country
- Mr Jackson Taylor-Grant, Aboriginal NRM Facilitator

Education Directorate

- Ms Natalie Howson, Director-General
- Ms Deb Efthymiades, Deputy Director-General, System Policy and Reform Division
- Mr Sean Moysey, Executive Branch Manager, Early Childhood Policy and Regulation
- Ms Coralie McAlister, Executive Branch Manager, Strategic Policy
- Ms Meg Brighton, Deputy Director-General
- Mr Mark Huxley, Executive Group Manager, School Improvement
- Ms Alison Fitzgerald, Executive Branch Manager, People and Performance
- Mr Ross Hawkins, Executive Group Manager, Service Design and Delivery
- Ms Kate McMahon, Executive Branch Manager, Learning and Teaching
- Ms Beth Craddy, Director, Aboriginal and Torres Strait Islander Education
- Ms Sam Seton, Executive Branch Manager, Student Engagement

Justice and Community Safety

- Ms Alison Playford, Director-General
- Mr Richard Glenn, Deputy Director-General Justice
- Mr David Pryce, Deputy Director-General Community Safety
- Mr Jon Peach, Executive Director, ACT Corrective Services
- Mr Mark Bartlett, Head of Detainee Services
- Ms Virginia Hayward, Chief Human Resources Officer, PWS
- Mr Andrew McIntosh, Director, Justice Planning and Safety Programs, Legislation, Policy and Programs
- Dr Nova Inkpen, Acting Director, Justice Reinvestment, Legislation, Policy and Programs



ACT Legal Aid Commission

- Dr John Boersig, Chief Executive Officer Legal Aid ACT

ACT Policing

- Assistant Commissioner Ray Johnson APM, Chief Police Officer for the ACT

ACT Human Rights Commission

- Dr Helen Watchirs OAM, President and Human Rights Commissioner
- Ms Jodie Griffiths-Cook, Public Advocate and Children and Young People Commissioner

ACT Fire and Rescue

- Mr Mark Brown, Chief Officer, ACT Fire and Rescue

Transport Canberra and City Services

- Ms Emma Thomas, Director-General
- Ms Cherie Hughes, Chief Operating Officer
- Mr Ben McHugh, Executive Group Manager, City Operations, City Services
- Ms Petra Crowe, Executive Branch Manager, People and Capability
- Ms Fleur Flanery, Executive Branch Manager, Transport Canberra and City Services
- Ms Vanessa Little, Director, Libraries ACT

ACT Health and Canberra Health Services

- Mr Michael De'Ath, Director-General
- Ms Bernadette McDonald (CHS), Chief Executive Officer
- Ms Amber Shuhyta, Acting Executive Group Manager, Policy, Partnerships and Programs
- Ms Katrina Bracher (CHS), Executive Director, Mental Health, Justice Health and Alcohol and Drug Services
- Mr Chris Bone (CHS), Deputy Director-General, Canberra Hospital and Health Services
- Mr Russell Taylor AM, Independent Chair, Moss Review Implementation Oversight Steering Committee



APPENDIX B SUMMARY OF REQUESTS FOR QUESTIONS TAKEN ON NOTICE

| No. | Hearing date | Directorate | Subject |
|-----|---------------|-------------|---|
| 1 | 28 March 2019 | CMTEDD | Steps to implement the ACT Government Indigenous Procurement Policy |
| 2 | 28 March 2019 | CMTEDD | Aboriginal and Torres Strait Islander peoples' involvement in the ACT Government capital works projects in the last 12 months |
| 3 | 28 March 2019 | CMTEDD | Strategy for the Centre for Data Excellence to communicate with and record activity of Aboriginal and Torres Strait Islander people in the ACT |
| 4 | 28 March 2019 | CMTEDD | Number of Aboriginal and Torres Strait Islander women who participated Through the Women in Trades program, and the strategies to attract and promote this opportunity to the local community |
| 5 | 28 March 2019 | CMTEDD | Inclusion Officer and programs in place for the diverse groups |
| 6 | 28 March 2019 | CMTEDD | Funding provided for Indigenous sport participation |
| 7 | 28 March 2019 | CMTEDD | Number of Smoking, Welcome to Country and Water Ceremonies undertaken at construction sites in 2018 |
| 8 | 28 March 2019 | CMTEDD | Process for engaging Ngunnawal people to undertake an audit to identify any sites of significance with new buildings |
| 9 | 28 March 2019 | CMTEDD | Review of the HR recruitment procedures and policies, and the outcomes and changes for Aboriginal and Torres Strait Islander people |
| 10 | 28 March 2019 | CMTEDD | Number of Aboriginal and Torres Strait Islander people successful in gaining artsACT funding, strategy and trend for this |
| 11 | 28 March 2019 | CMTEDD | Implementation by ACT Government funded arts organisations to identify activities to engage Aboriginal and Torres Strait Islander organisations and artists |
| 12 | 28 March 2019 | CSD | Number of Aboriginal and Torres Strait Islander people who have been a part of selection panels for the directorate in the past 12 months |
| 13 | 28 March 2019 | CSD | Number of Aboriginal and Torres Strait Islander children who have been restored to their birth families in the last two years |
| 14 | 28 March 2019 | CSD | Number of Smoking, Welcome to Country and Water Ceremonies undertaken at construction sites in 2018 |
| 15 | 28 March 2019 | CSD | Number of Aboriginal and/or Torres Strait Islander women employed at Bimberi and the Women's Information Service |
| 16 | 28 March 2019 | CSD | Community Services Industry Relationships and Reform (CSIRR) Strategy and building on more collaborative working relationships with community sector organisations |
| 17 | 28 March 2019 | CSD | Funding process for non-Indigenous organisations to deliver Aboriginal and Torres Strait Islander programs |
| 18 | 28 March 2019 | EPSDD | Number of Aboriginal and Torres Strait Islander people who have been a part of selection panels for the directorate in the past 12 months |
| 19 | 28 March 2019 | EPSDD | Number of racism incidents reported in the last 12 months, and mechanism to report |
| 20 | 28 March 2019 | EPSDD | Natural Resources Management programs and impact |
| 21 | 29 March 2019 | ED | Cultural Integrity Framework |
| 22 | 29 March 2019 | ED | Transition from high school to college and support provided |



| No. | Hearing date | Directorate | Subject |
|-----|---------------|---------------|---|
| 23 | 29 March 2019 | ED | Number of identified roles within the directorate |
| 24 | 29 March 2019 | ED | Closing the Gap education targets for Aboriginal and Torres Strait Islander students |
| 25 | 29 March 2019 | ED | Percentage of staff who have completed at least one day of complete cultural awareness Ttraining |
| 26 | 29 March 2019 | JACSD | Number of Aboriginal and Torres Strait Islander people who have been a part of selection panels for the directorate in the past 12 months |
| 27 | 29 March 2019 | JACSD | Number of selection panels where at least one member has completed cultural awareness training |
| 28 | 29 March 2019 | JACSD | Number of racism incidents reported in the last 12 months, and mechanism to report |
| 29 | 29 March 2019 | JACSD | Number of meetings with the Aboriginal and Torres Strait Islander Caucus |
| 30 | 29 March 2019 | JACSD | Throughcare Intensive Correction Orders program |
| 31 | 29 March 2019 | JACSD | Number of Aboriginal and Torres Strait Islander staff with HDA opportunity for two weeks or longer in 2018 |
| 32 | 29 March 2019 | JACSD | Number of diversionary options for Aboriginal and Torres Strait Islander offenders |
| 33 | 29 March 2019 | JACSD | Percentage of Aboriginal and Torres Strait Islander detainees who are on remand during 2018 |
| 34 | 29 March 2019 | JACSD | Success of the Solaris Rehabilitation Program and eligibility |
| 35 | 29 March 2019 | JACSD | Number of Aboriginal and Torres Strait Islander women who have given birth whilst in custody in 2017 and 2018 |
| 36 | 29 March 2019 | JACSD | Cultural Heritage Program at AMC cancellations in 2018 |
| 37 | 29 March 2019 | JACSD | Arrest rate for ACT Aboriginal and Torres Strait Islander people since March 2018 |
| 38 | 29 March 2019 | JACSD | Process for contacting families when juveniles are arrested |
| 39 | 29 March 2019 | JACSD | Number of Interview Friends contacts in 2018 |
| 40 | 29 March 2019 | JACSD | Number of arrests per ACT police station and calls to Interview Friends |
| 41 | 29 March 2019 | TCCS | Number of Aboriginal and Torres Strait Islander staff with HDA opportunity for two weeks or longer in 2018 |
| 42 | 29 March 2019 | ACTHD and CHS | Number of Aboriginal and Torres Strait Islander people who have been a part of selection panels for the directorate in the past 12 months |
| 43 | 29 March 2019 | ACTHD and CHS | Number of selection panels where at least one member has completed cultural awareness training |
| 44 | 29 March 2019 | ACTHD and CHS | Number of racism incidents reported in the last 12 months and mechanism to report |
| 45 | 29 March 2019 | ACTHD and CHS | Aboriginal and Torres Strait Islander peoples' identifying and support to do this |
| 46 | 29 March 2019 | ACTHD | Aboriginal and Torres Strait Islander Practice Centre improving cultural competency knowledge and understanding, and measures |
| 47 | 29 March 2019 | ACTHD | Programs, strategies and policies impacting on needs of ACT Aboriginal and Torres Strait Islander population |
| 48 | 29 March 2019 | ACTHD | Provision of culturally-appropriate rehabilitation and detox places for Aboriginal and Torres Strait Islander people in the ACT |
| 49 | 29 March 2019 | ACTHD | Number of participants in the Ngunnawal Bush Healing Farm since March 2018 |



| No. | Hearing date | Directorate | Subject |
|-----|---------------|----------------|---|
| 50 | 29 March 2019 | ACTHD | Implementation of residential programs at the Ngunnawal Bush Healing Farm and timeframe |
| 51 | 29 March 2019 | ACTHD | Addressing issues for low number of people who participated in the only program run at the Ngunnawal Bush Healing Farm |
| 52 | 29 March 2019 | ACTHD | Data collection systems to capture the number of Aboriginal and Torres Strait Islander people who need access to services |
| 53 | 29 March 2019 | ACTHD | Adjusted service delivery effort for Aboriginal and Torres Strait Islander young people |
| 54 | 29 March 2019 | ACTHD | Strategies for meeting National Partnership commitments around vaccination, sexually transmitted diseases and smoking cessation for the Aboriginal and Torres Strait Islander community |
| 55 | 29 March 2019 | ACTHD | Strategies to support low income families with carer responsibilities for someone with high needs who require financial support in accessing specialists autism diagnosis |
| 56 | 29 March 2019 | ACTHD and CHS | Aboriginal and Torres Strait Islander needs be addressed in the new Health Delivery Directorate |
| 57 | 29 March 2019 | CHS | Specific activities implemented to address the needs of Aboriginal and Torres Strait Islander people in chronic disease prevention, detection and care |
| 58 | 29 March 2019 | CHS | Data on the utilisation of beds in the detox unit available to Aboriginal and Torres Strait Islander people in 2018 |
| 59 | 29 March 2019 | CHS | Aboriginal Liaison Officer service review to extend to weekends |
| 60 | 29 March 2019 | CHS | Impact of programs on Aboriginal and Torres Strait Islander people |
| 62 | 29 March 2019 | ACTHD | Increase in the uptake of the Aboriginal and Torres Strait Islander health-specific assessments in 2018 |
| 63 | 29 March 2019 | ACTHD | Aboriginal and Torres Strait Islander consumer, carer and family feedback mechanism |
| 64 | 29 March 2019 | CHS | Aboriginal and Torres Strait Islander health topics discussed in the last three years at the Canberra Health Annual Research meetings |
| 65 | 29 March 2019 | ACTHD and CHS | Percentage of new staff who have completed cultural awareness training in the past 12 months |
| 66 | 29 March 2019 | ACTHD | Number of staff who have done the cultural history tours |
| 67 | 29 March 2019 | ACTHD and OCHS | Progress in the annual percentage of the Aboriginal and Torres Strait Islander workforce |

