

**2020**

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

**Government Response to the ACT Aboriginal and Torres Strait  
Islander Elected Body - Reports On the Outcomes of the ATSIEB  
Hearings 2019 Ninth Report to the ACT Government**

**Presented by**

**Rachel Stephen-Smith**

**Minister for Aboriginal and Torres Strait Islander Affairs**

**April 2020**

## **MINISTER'S FOREWORD**

I am pleased to present the ACT Government's Response to the ACT Aboriginal and Torres Strait Islander Elected Body's Report on the Outcomes of the ATSIEB Hearings held on 28-29 March 2019.

I welcomed the Elected Body's Ninth Report to the ACT Government conveying the community's voice and I thank the Elected Body for its ongoing commitment to working with the ACT Government to progress the *ACT Aboriginal and Torres Strait Islander Agreement 2019-2028*.

The Elected Body hearings have proved to be a successful method of bringing the important priorities of the local Aboriginal and Torres Strait Islander community to the attention of the ACT Government. The hearings are driving real improvements to service delivery and policy development and better life outcomes as a result.

The Chair of the Elected Body, Ms Katrina Fanning, has acknowledged that progress has been made in a number of areas such as the reopening of Boomanulla Oval for community use and finalisation of the ACT Aboriginal and Torres Strait Islander procurement policy to include business and human services contract deliverables. This work moves us closer to enabling equitable outcomes for the ACT Aboriginal and Torres Strait Islander community.

The Elected Body's Ninth Report to the ACT Government contained seven whole-of-government recommendations and 17 recommendations for specific directorates and agencies. The ACT Government's response to these recommendations is contained in the attached report.

I look forward to continuing the ACT Government's positive and productive engagement with the Elected Body and greatly appreciate the advice I receive from them on addressing the needs of the Aboriginal and Torres Strait Islander community.

Rachel Stephen-Smith MLA  
Minister for Aboriginal and Torres Strait Islander Affairs

## 1.0 Background

The *Aboriginal and Torres Strait Islander Elected Body Act 2008* (the Act) enables the Aboriginal and Torres Strait Islander Elected Body (Elected Body) to monitor and report on the effectiveness and accessibility of programs and services provided by ACT Government.

The Elected Body holds annual hearings and asks ACT Government Directorates and agencies to be accountable for their service provision. Under Section 10A and 10B of the Act, Directors-General of all ACT Government directorates are called to present evidence supporting their respective directorate's spending and decision making.

The 2019 Aboriginal and Torres Strait Islander Elected Body Hearings were held on 28-29 March 2019 and were the second hearings of the fourth term for the Elected Body. Through its consultative processes the Elected Body passes on the views of Aboriginal and Torres Strait Islander Canberrans on issues of concern and raises these issues in the annual hearings. From this hearings' process, the Elected Body presents an independent report on the discussion at the hearings, including recommendations on improvements to Government services.

The Minister for Aboriginal and Torres Strait Islander Affairs received the Elected Body's report on the hearings on 26 September 2019 and tabled the report in the Legislative Assembly as required under the Act, on 24 October 2019.

The ACT Government is committed to working with the Elected Body to enable the delivery of equitable outcomes for Aboriginal and Torres Strait Islander peoples living in the ACT.

The *ACT Aboriginal and Torres Strait Islander Agreement 2019-2028* (the Agreement) was signed on 26 February 2019 and associated Focus Area Action Plans set the long-term direction in Aboriginal and Torres Strait Islander affairs in the ACT. The Action Plans outline how the ACT Government, the Aboriginal and Torres Strait Islander community and our community partners will work together to meet the social, cultural and economic needs of Aboriginal and Torres Strait Islander peoples.

At the time of its Annual Report Hearings in 2019, The Elected Body highlighted priority areas under the Agreement for action. The ACT Government continues to work with the Elected Body to ensure that these priorities are progressed.

### 2.1 Government Response to the 2019 Hearings Report

A coordinated whole of ACT Government response to the recommendations set out in the Ninth Aboriginal and Torres Strait Islander Elected Body Hearings Report (the 2019 Hearings Report) has been prepared.

The 2019 Hearings Report made a total of 24 recommendations, seven applicable to all ACT Government agencies and 17 Directorate and Agency specific.

## 3.0 Recommendations

### 3.1 Recommendations Applicable Across All Directorates

During the 2019 Hearings, the Elected Body identified the following seven recommendations, which in its view should be implemented by all directorates:

<b>Recommendation 1</b>
(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
<b>Government Response</b>
<b>Agreed-in-principle</b>  The Respect, Equity and Diversity (RED) Framework is one of the ACTPS' most widely recognised and valued employment frameworks. In the time since its establishment in 2010, policies, strategies and actions under the RED Framework have achieved significant advancements in workforce inclusion, diversity and workplace culture.  The RED Framework supports the ACTPS to meet its obligations under the <i>ACT Public Sector Management Act 1994</i> and supports ACTPS employees to understand expectations regarding their own and others' behaviour in the workplace. In particular, the RED Framework is aligned with the ACTPS Code of Conduct (2013) to fully integrate the ACTPS Values and Signature Behaviours into everyday work practice.  The RED Framework is currently under review to produce a strategic re-articulation of what the ACTPS will achieve over the next ten years.  The importance of cultural competency will be incorporated into the revised RED Framework and identified as a mandatory learning component for all ACTPS employees.  Also see response to Recommendation 2.

<b>Recommendation 2</b>
(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.

## Government Response

### Agreed

The ACTPS is committed to creating a positive, respectful, supportive and fair work environment where employee differences are respected, valued and utilised to create a productive and collaborative workplace.

Although cultural competency training has not been made mandatory for Executive level staff, the 2018-19 ACT State of the Service report illustrates that all eight Directorates made cultural awareness training available across their workforces. In addition to this, directorates reported undertaking initiatives to promote the Respect, Equity and Diversity (RED) message, including cultural safety masterclasses and participation in Ngunnawal language presentations.

The importance of cultural competency will be incorporated into the revised RED Framework and identified as a mandatory learning component for all ACTPS employees.

The contributions and perspectives of Ngunnawal community groups and organisations will be incorporated into the cultural competency training.

Further, under the *ACT Aboriginal and Torres Strait Islander Agreement 2019-2028* Core Focus Area – Cultural Integrity, the ACT Government has committed to ‘demonstrate cultural proficiency of the ACT Government’ by developing processes and mechanisms that embed cultural integrity into government and raising ‘awareness of Ngunnawal cultural values through the delivery of training on cultural sites/values/assets identification, in partnership with community and representative Aboriginal organisations’.

## 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; and
- iii) collecting data on staff compliance with guidelines relating to recording equity and diversity information.

## Government Response

### Recommendation i) Agreed

The ACT Government recognises and values our diverse community. It is important that this diversity is reflected in appointments to boards and committees and in leadership roles, to ensure

the voices of women, and people with diverse experiences and backgrounds are heard. Diversity Information relating to membership of ACT Boards and Committees is currently collected via the whole of government ACT Boards and Committees Diversity Register. The Diversity Register is designed to support these targets and to support all boards and committees across the ACT to have a membership that reflects the community they serve. The Diversity Register assists the ACT Government in its commitment to achieve and maintain diversity and equal representation of gender on ACT boards and committees.

**Recommendation ii) Noted**

The ACTPS is committed to applying the principles of merit-based selection, equity and diversity and procedural fairness in our recruitment process. Applicants are entitled to a fair and unbiased assessment. To support this, selection committees must be at least three people, with a mix of genders and at least one person from outside the business unit.

Positions identified for Aboriginal or Torres Strait Islander peoples or people with disability will have another Aboriginal or Torres Strait Islander person or person with disability on the panel wherever possible.

Diversity information which has been disclosed by ACT government employees is currently stored and maintained within the payroll system. The information in this large dataset can be effectively de-identified in line with privacy legislation and used to inform workforce analysis and policy development. At present, the payroll system does not have the functionality to store information about recruitment panel composition though this may change in future with the implementation of the Human Resources Information Management System (HRIMS) scheduled for later in 2020.

**Recommendation iii) Agreed**

The ACT Government collects, stores and analyses diversity and identity information for ACT Public Service workforce which is maintained in line with privacy principles within the payroll system. Information of workforce diversity is published Annually in the State of the Service Report. Employee disclosure of identifying information (ie: name, address, date of birth) is mandatory to ensure correct payment of salary and superannuation and tax arrangements. Disclosure of other personal information, such as whether an employee identifies as an Aboriginal and/or Torres Strait Islander person is not mandatory.

Cultural competency will be incorporated into the revised RED Framework and identified as a mandatory learning component for all ACTPS employees including those undertaking recruitment activities. Directorates have the capacity to monitor employee completion of mandatory training through local Learning Management Systems and platforms.

---

**Recommendation 4**

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

**Government Response****Agreed**

The ACTPS Recruitment Guidelines (2015) (the Guidelines) provide detailed information about best practice recruitment and selection process in order to ensure that recruitment and selection in the ACTPS is effective, timely and fair.

The Guidelines are specifically applicable to the ACTPS as prescribed by the [Public Sector Management Act 1994](#) (PSM Act) and the [Public Sector Management Standards 2006](#) (PSM Standards).

The Guidelines state that “for selection committees recruiting to an Aboriginal and Torres Strait Islander identified position, it is preferable to include an Aboriginal and Torres Strait Islander as a member of the selection committee where possible”.

The guidelines are currently under review and the commitment to culturally inclusive recruitment practices will be strengthened.

**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.

**Government Response****Agreed**

The ACT Government values and recognises Aboriginal and Torres Strait Islander peoples for the cultural knowledge and leadership they bring to the performance of their duties.

Under the Agreement, Aboriginal and Torres Strait leadership is acknowledged as central to the process of ensuring the long-term emotional and physical well-being of Aboriginal and Torres Strait Islander communities.

The RED Framework is currently under review to produce a strategic re-articulation of what the ACTPS will achieve over the next ten years. The importance of cultural competency will be incorporated into the revised RED Framework and identified as a mandatory learning component for all ACTPS employees.

ACT Public Sector (ACTPS) enterprise agreements recognise and encourage the contribution that people with diverse backgrounds, experience and skills can make to the workplace. The agreements also commit to working with employees to prevent and eliminate discrimination on all grounds including that of race. See <https://www.cmtedd.act.gov.au/employment-framework/for-employees/agreements> .

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

### **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 their initiatives through targeted survey work.

### **Government Response**

#### **Agreed**

The ACTPS has established workforce employment pathways and pipelines to support Aboriginal and Torres Strait Islander people to achieve their career aspirations.

The ACTPS Vocational Employment Program for Aboriginal and Torres Strait Islander People is an entry level- program, providing diverse employment opportunities at the Administrative Services Officer levels 1-4. The program includes working towards a recognised qualification that is tailored to their interests and skills, and a work-based component. On completion, participants are promoted to a permanent office at the next classification level.

Similarly, the ACTPS Graduate Program is actively promoted to Aboriginal and Torres Strait Islander students and graduates with adjusted eligibility requirements and support provided through the application and onboarding process.

The ACTPS Graduate Strategy 2019-2023 also identifies the importance of attracting and retaining Aboriginal and Torres Strait Islander people as future ACTPS leaders. An attraction and retention strategy for Aboriginal and Torres Strait Islander graduates will be developed in 2020. Both the Aboriginal and Torres Strait Islander Vocational Employment Program and ACTPS Graduate Program conduct annual evaluations to review the effectiveness of the program and potential areas for improvement.

Further, under the Agreement the ACTPS is committed to increasing the number of Aboriginal and Torres Strait Islander people in senior positions across the ACTPS by 2021 and increasing the number of Aboriginal and Torres Strait Islander employees across the ACTPS and non-government



services. This will be progressed by: implementing a range of employment strategies which focus on attracting and recruiting Aboriginal and Torres Strait Islander people; providing career development and advancement opportunities; and reviewing and implementing the Whole of Government employment strategy for Aboriginal and Torres Strait Islander peoples.

**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.

**Government Response**

**Agreed**

The ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People aims to increase the participation of Aboriginal and Torres Strait Islander peoples in the ACTPS and provide supported employment and development opportunities for this cohort.

Service-wide employment targets for Aboriginal and Torres Strait Islander People are incorporated into personal performance agreements between the Head of Service and Directors-General.

The number of employees who identify as Aboriginal or Torres Strait Islander represents 1.8 per cent of the ACTPS workforce.

### 3.2 Directorate and Agency Specific Recommendations

A total of seven directorates as well as the Human Rights Commission and ACT Policing appeared before the Elected Body during the 2019 ATSIEB Hearings. The following 17 agency-specific recommendations were made by the Elected Body:

#### 3.2.1 Chief Minister, Treasury and Economic Development Directorate Recommendations

<b>Recommendation 8</b>
(3.84) The Elected Body recommends that the Chief Minister, Treasury and Economic Development Directorate (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.
<b>Government Response</b>
<b>Agreed</b>  CMTEDD captures the attainment rate of Aboriginal and Torres Strait Islander people participating in the Australian Apprenticeship and Skilled Capital Programs.

<b>Recommendation 9</b>
(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.
<b>Government Response</b>
<b>Agreed-in-principle</b>  The Government agrees to explore further avenues to enable the employment of Aboriginal and Torres Strait Islander peoples with Commonwealth Government partners by sharing good practice and discussing opportunities to leverage programs such as the ACTPS Graduate Program; ACTPS Vocational Employment Programs; Commonwealth Indigenous Apprenticeship Program and Branch Out Secondment Program.  CIT Solutions provides Aboriginal and Torres Strait Islander people with training for the Australian Public Service and has a demonstrated history of success in providing targeted training to develop the work-related skills required. CIT Solutions delivers the Indigenous Apprenticeship Program and is open to working with the ACT Government to deliver training to Aboriginal and Torres Strait Islander people for 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.

**Government Response****Agreed-in-principle**

The ACT Government is committed to the best possible future for vocational education and training (VET) in Canberra and recognises the essential role CIT plays as the premier VET provider in the Canberra Region providing skills for a modern workforce. As part of CIT's overall campus renewal strategy, ensuring CIT's Yurauna Centre is located in a well-connected and accessible location is a priority. Detailed planning for the development of a new CIT site in Woden Town Centre will include engagement with the Yurauna Centre to ensure the needs and preferences of staff and students are reflected in any decision about the Centre's future location.

### 3.2.2 Community Services Directorate Recommendations

**Recommendation 11**

(5.27) The Elected Body recommends that the Community Services Directorate (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.

**Government Response****Agreed**

The Family Safety Hub is actively working on several projects aimed at providing better support, earlier for people experiencing domestic and family violence.

Following the tabling of the ACT Government response to the *We Don't Shoot Our Wounded Report*, the Family Safety Hub will work with the Domestic Violence Prevention Council Aboriginal and Torres Strait Islander Sub-Committee to guide how it can involve and support community in and through its work.

The Family Safety Hub provides regular updates on its website:

<https://www.communityservices.act.gov.au/safer-families/family-safety-hub>

**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.

#### **Government Response**

##### **Agreed**

Feedback received in 2018 and 2019 in response to a CSD discussion paper and wider consultation demonstrated support for the existing informal policy and practice position that adoption for Aboriginal and Torres Strait Islander children is not support or enacted.

A community workshop to inform the Government's policy position on adoption for Aboriginal and Torres Strait Islander children and young people was held on 2 October 2019.

The workshop brought together key Aboriginal and Torres Strait Islander community leaders and service providers, including from the *Our Booris, Our Way* Steering Committee, the Aboriginal and Torres Strait Islander Elected Body, United Ngunnawal Elders Council and Gugan Gulwan Youth Aboriginal Corporation, as well as members of the community with lived experience of a range of human services, including CYPs.

The workshop confirmed a policy position that adoption is not suitable or appropriate for Aboriginal and Torres Strait Islander children and young people who are in out of home care. CSD is drafting this policy position and will test with workshop attendees prior to formally endorsing the policy.

The ACT Government is undertaking consultation with key stakeholders to bring this policy position forward in legislation, subject to further legal and technical advice.

#### **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.

#### **Government Response**

##### **Agreed**

The Community Services Directorate remains committed to increasing the cultural proficiency of staff by ensuring comprehensive cultural training is offered and completed. When allocating a CYPs case manager to an Aboriginal and Torres Strait Islander child or young person who has come into contact with the child protection system, the case allocation process takes into consideration the needs of the family, the experience of CYPs staff members and their ability to apply cultural awareness to the circumstances reported to CYPs.

Children, Youth and Families has invested significantly in supporting and building the cultural competency of staff by offering a range of training opportunities aimed at improving culturally responsive practice.

The Cultural Development Program is the core training combining six face to face activities and utilising an online training program developed by the Australian Institute of Aboriginal and Torres Strait Islander Studies. The program is run over a three-month period. Participants engage in a range of face-to-face activities, including a half-day walk on Ngunnawal Country with interpretation of cultural sites of significance, storytelling, bush plants and their uses.

The program includes a viewing of the Kanyini documentary; Bob Randall tells the history of Australia's Indigenous people and explains how they have been dispossessed of the five central aspects of life, essential for people to thrive, and indeed survive. These five things – beliefs, system, spirituality, land and family are central to his explanation.

Participants also visit the Australian Institute of Aboriginal and Torres Strait Islander Studies to explore their resources, including archives of images and the language of the time. This program has been specifically designed for CYPS staff to assist them to develop a better understanding of the history, spirituality and importance of the land of Aboriginal people.

In addition to the Cultural Development Program, and in response to a number of recommendations made by the *Our Booris, Our Way Review*, CYPS has provided opportunities to increase cultural proficiency, including:

- Aboriginal and Torres Strait Islander Child Placement Principle: Guide to support implementation (two days)
  - Training delivered by SNAICC aimed to generate ideas and plans to improve child protection practice to achieve better outcomes for Aboriginal and Torres Strait Islander children to keep them safe and connected to culture.
- Aboriginal and Torres Strait Islander Child Placement Principle: Practical ways of implementing (two days)
  - Training delivered by SNAICC aimed to deepen understanding of the scope of the Principle and increase capacity to effectively implement the five elements across functions. Separate sessions were delivered targeting managers/team leaders and case managers.
- Questions and Answers: Identifying practical ways of implementing the Aboriginal and Torres Strait Islander Child Placement Principle throughout the continuum of care (three hours)
  - Training delivered by Curijo to identify practical ways of implementing the Aboriginal and Torres Strait Islander Child Placement Principle throughout the continuum of care.
- Embedding the Aboriginal and Torres Strait Islander Child Placement Principle into Practice (2x half-day sessions)

- Training delivered by Curijo on practical ways to implement and embed the Child Placement Principle into practice. Information from these sessions has been developed into a Practice Guide which was provided to participants.
- Cultural Safety Masterclass (three hours)
  - Delivered by Associate Professor Richard Frankland covering cultural meaning and identity, forces for and against cultural safety, trauma, reclaiming cultural safety, cultural safety from inside, cultural loads and cultural platforms.
- Family Group Conferencing Accredited (three days)
  - Training delivered by Curijo to assist in developing effective family plans.
- Family Group Conferencing: Case Manager Training (three hours)
  - Training delivered by Curijo providing information about the Family Group Conference model and how it is implemented at CYPS, including program evolution since the initial pilot.
- Family Group Conferencing (one hour)
  - e-Learning module delivered by Curijo providing an introduction to Family Group Conferencing.
- Finding Kin e-Learning: Explore through a cultural lens (one hour)
  - e-Learning training on Finding Kin, developed by the Cultural Services Team.
- Viewing of 'After the Apology' documentary
  - Screenings held for staff in July, August and September 2018.

CYPS also has a cultural awareness component to the induction process for new case managers who are required to complete this as a mandatory requirement to undertake duties.

### 3.2.3 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*.

#### Government Response

##### Agreed

EPSDD has committed in its Innovate RAP to develop a community engagement plan. The Dhawura Ngunnawal Committee will identify the engagement methodology for how the Directorate will engage with the Committee, the broader Ngunnawal and the ACT Aboriginal and Torres Strait Islander community.

The engagement plan will include a charter for engagement with Aboriginal and Torres Strait Islander peoples.

The principles established in the Aboriginal and Torres Strait Islander Agreement and EPSDD's Action Plan will inform the foundation of its engagement with community.

EPSDD focus is to support the Ngunnawal people and the wider Aboriginal and Torres Strait Islander community's aspirations for strong families, cultural identity with connection to community and country, improved employment opportunities, economic independence, better quality of health and wellbeing and proactive leadership.

The Key Principles undertaking this work are:

1. Both Traditional Custodians and EPSDD staff play a vital role in establishing and maintaining the partnerships necessary for Shaping Canberra's Future including the self determination of community.
2. It's not a level playing field for Traditional Custodians, their communities and representative organisations. EPSDD will support Traditional Custodians in good governance, community strengthening, employment, gathering, meetings, training and business development.
3. Free, prior and informed consent principles will be used in all EPSDD processes with Traditional Custodians.
4. All EPSDD staff are involved in managing Ngunnawal Country (legislation, policy, planning and management of Country).
5. Culturally and mutually inclusive practices are developed and integrated into all aspects of EPSDD's business, from individual work plans through to the Corporate and Business Plans.
6. Leaders in EPSDD are responsible for building and demonstrating accountability with Traditional Custodians.

#### **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 licencing arrangements for cultural tourism activities in the territory's national parks.

#### **Government Response**

##### **Agreed**

EPSDD has commenced the development of a Commercial Tour Operator Licencing system and framework that will include clear expectations and cultural obligations of all operators in the care and recognition of Ngunnawal Country. The licencing arrangement and framework will also identify the opportunities for Ngunnawal people to deliver cultural tourism activities in the ACT.

This work aligns with the Nature-based Tourism Strategy released this year by the ACT Government. The nature based strategy provides the framework for the tourism industry to sustainably develop the nature sector in the Canberra region to accommodate future demand for accessible nature and wildlife experiences and enable a better appreciation of our natural assets and tourism experiences. Implementation of action for the strategy will help support the visitor economy and contribute to increased spend and length of stay from both domestic and international tourists.

### 3.2.4 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.

#### **Government Response**

##### **Agreed**

After ten years of operation, a new process for awarding secondary scholarships was introduced in 2019. Previously, scholarships were only awarded to students interested in pursuing further study in education, health or vocational education. To provide an opportunity for a broader range of students to apply, scholarships in 2019 are available for students who intend to complete year 12 and pursue post-school study in any discipline or vocational area.

Building on this expansion, in 2020-21 the Education Directorate will undertake a reimagining of the program to ensure that the scholarships are effective in meeting the needs and aspirations of recipients. This reimagining may result in changes to the structure of the program, what benefits are offered as part of the program, including mentors and placements, and will require consultation with a range of internal and external stakeholders including: Aboriginal and Torres Strait Islander students and families; community organisations; the Elected Body; and the ACT Aboriginal and Torres Strait Islander Education Advisory Group.

### 3.2.5 Justice and Community Services Directorate

#### **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 Islander Elders to toilet facilities at the Alexander Maconochie Centre.



## Government Response

### Agreed

ACT Corrective Services continues to ensure that visiting Aboriginal and Torres Strait Islander Elders can access toilet facilities at the Alexander Maconochie Centre as required.

Toilet facilities in the AMC Visits Centre are located behind secure doors that are accessed by correctional officers. Elders participating in the visiting program can access these facilities at any time by speaking to a correctional officer in attendance.

### 3.2.6 ACT Policing

## 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.

## Government Response

### Noted

ACT Policing acknowledges the importance of protections and support in the form of legal representation and interview friends for members of the Aboriginal and Torres Strait Islander community when being interviewed by Police.

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.

Additionally, due to the way PROMIS is configured, an update to this system would result in multiple added layers of manual data entry requirements by operational and frontline members which will ultimately reduce the capacity to provide frontline policing services.

ACT Policing notes there is a legal requirement under the *Crimes Act 1914* (Cth), to offer and provide (if accepted) legal representation and to contact an interview friend in all circumstances. Consequently, in all circumstances where an Aboriginal or Torres Strait Islander person is taken into custody and interviewed, ACT Policing must ensure that the Aboriginal Legal Service (ALS) is notified and the person is provided with the opportunity to communicate with a representative of ALS or another legal service. Additionally, ACT Policing must ensure the person has the opportunity to communicate with an interview friend and have an interview friend present during questioning. These inherent rights continue even if the person initially refuses these options and subsequently changes their mind.

It is ACT Policing's view that the collection of data must always be balanced between the data's intended purposes and the collection, processing and reporting burden it creates.

As the requirement to offer and extend these rights already exists in law, ACT Policing believe there are already sufficient legal safeguards to ensure its transparent application.

Although it is not a mandatory requirement to capture this particular data, ACT Policing is committed to improving the reporting and accessibility of information of those who interact with the judicial system. To this end ACT Policing has been working collaboratively with the Aboriginal Legal Service and the Aboriginal and Torres Strait Islander Advisory Board to the Chief Police Officer, to identify opportunities to streamline processes for the notification, request and attendance of legal representatives and interview friends.

### 3.2.7 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*.

#### Government Response

##### Agreed

The Commission is developing a community engagement plan as part of implementing its Cultural Safety Strategy and will ensure this is provided in line with the Elected Body's *Protocols for Working with Aboriginal and Torres Strait Islander Peoples*.

### 3.2.8 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.

#### Government Response

##### Agreed

TCCS has facilitated four placement opportunities (Yarralumla Nursery and Capital Linen) with two of the participants receiving ongoing employment with these workplaces post release. TCCS

representatives are working with JACS Throughcare Program officials to develop a partnership model to support further opportunities.

### 3.2.9 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.

#### **Government Response**

##### **Noted**

The Adult Mental Health Inpatient Unit (AMHU) is a 40-bed ward and the ward never operates over this number of beds; hence the unit does not have an issue of overcrowding.

The Mental Health, Justice Health and Alcohol and Drug Services Aboriginal Liaison Officer (ALO) Team is present within AMHU, and the ALO:

- sees all Aboriginal and Torres Strait Islander patients who are admitted; and
- supports patient experiences, regularly checks in and follows the patient's admission journey through to discharge follow-up to ensure their experience is culturally safe and in line with the *Cultural Responsive Framework and Practice Standards*.

#### **Recommendation 22**

(12.49) The Elected Body recommends that the Health Directorate takes 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.

#### **Government Response**

##### **Agreed**

The ACT Health Directorate, Office of the Chief Nursing and Midwifery Officer works closely with CIT Yurauna Centre and CIT to increase the uptake of Enrolled Nursing Scholarships awarded under the Nursing Scholarship Program.

In 2019 a review of the application and guidelines was undertaken by key stakeholders, resulting in an improved and updated document for Aboriginal and Torres Strait Islander nursing scholarship applicants.

Two scholarships are available annually. One scholarship was awarded in July 2019.

All collaborative partners will distribute nursing scholarship information to Aboriginal and Torres Strait Islander Health Partnership team contacts.

### **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.

### **Government Response**

#### **Noted**

Limited space within Canberra Hospital does not currently permit for the immediate relocation of these services to a new co-location. However, Canberra Health Services (CHS) will consider co-locating the family room and Aboriginal Liaison Service in a suitable location in future campus redevelopment.

The existing family room and Aboriginal Liaison Service offices are located at Building 1, Level 3 and Building 15, Level 2, respectively, which are approximately a five minute walk apart. CHS staff, including clinicians, wayfinding volunteers and administrative staff, help to guide consumers to these locations. CHS has recently introduced new wayfinding kiosks to assist all patrons with navigation throughout the hospital campus.

CHS will consider additional wayfinding measures including provision of map print outs to assist consumers with finding their way to these services.

### **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.

### **Government Response**

#### **Noted**

Demand for ALO Service after hours is minimal but will continue to be monitored and reviewed over the next twelve months. For this financial year the ALO Service has received an increase in staffing, with an additional ASO6 and ASO4. These new positions will support the ALO Service to meet service demands such as in Women's, Youth and Children's services.