

ACT Aboriginal and Torres Strait Islander Elected Body

**REPORT ON THE OUTCOMES OF
THE ATSIEB HEARINGS 2018**

EIGHTH 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*. In practice, the Terms of Reference for the hearings process include generic questions provided by the Elected Body to directorates and agencies, which are quoted in Chapter 1 of this report.

Acknowledgement of traditional custodians

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

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

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CHAIR'S FORWARD

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

The hearings were held on 14 and 15 March 2018 and were the first hearings of this term of Elected Body members. Although the hearings went well, it is apparent that there are a number of key focus areas that require our attention.

With the expiry of the present *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* and the requirement to develop a new agreement within the next 12 months, we see an important opportunity to implement the recommendations from this hearing process into the next agreement. This will ensure that cultural competency, self-determination and economic impact will be key focus areas that ensure the next agreement can achieve equitable and tangible outcomes for the ACT Aboriginal and Torres Strait Islander community over the next ten years.

It was evident to members throughout the hearings process that some responses to questions were inadequate. What we are looking for is tangible and measurable outcomes supported by evidence-based solutions which in turn change the day-to-day lives of Aboriginal and Torres Strait Islander people for the better. We have included a number of recommendations that are specific to all directorates and we expect all directorates to deliver positive outcomes.

We also found that the majority of responses to the generic questions asked at the hearings and information provided in the annual reports, did not provide enough detail about the impact on our community. While targets are set, there are no real explanations as to why targets aren't being met or how directorates are going to meet specific targets. We want more detail about what is working well and where we could do things differently or better, which not only provides accountability but also allows us to understand what outcomes this achieves for our community.

Through our community consultations, the Aboriginal and Torres Strait Islander Elected Body have also identified a number of other areas that require our focus, it is apparent that there are some shortfalls when it comes to service delivery to the Aboriginal and Torres Strait Islander peoples of the ACT. It is essential that all Aboriginal and Torres Strait Islander ACT residents receive the same level of service delivery as other Canberrans.

The key areas of most concern to Elected Body members are:

- the slow progress towards finding Gugan Gulwan a more suitable building or providing funding for a purpose built building
- the lack of progress in resolving the issues regarding Boomanulla including the clean-up, renovations, governance arrangements and opening the oval for community use
- that the Namadgi Agreement and related advisory board has not been operational for a long period of time
- most significantly is the ongoing lack of transparency as to the strategic objectives, operations and impact of the Ngunnawal Bush Healing Farm. In addition the lack of a solution to the provision of culturally-appropriate rehabilitation and detox places for Aboriginal and Torres Strait Islander people in the ACT is of grave concern.

In moving forward we will be requesting regular updates across these key issues and other matters raised in the hearings from directorates. We expect that these updates are in a format that can be directly provided to the community for their information.

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 develop a new ACT Aboriginal and Torres Strait Islander Agreement that sets measurable objectives and realistic targets that achieve equitable life outcomes for all Aboriginal and Torres Strait Islander Canberrans.

A handwritten signature in black ink, appearing to read 'K. Fanning', with a stylized flourish at the end.

Katrina Fanning PSM
Chairperson

1 RECOMMENDATIONS APPLICABLE ACROSS ALL DIRECTORATES AND AGENCIES



Introduction

- 1.1 During the course of its 2018 hearings the Elected Body identified seven recommendations, which in its view should be implemented by all the ACT Government directorates and agencies.
- 1.2 While each of these recommendations appear in the directorate-specific chapters of the report they have been reproduced below along with additional commentary by the Elected Body about the background and rationale of each recommendation. This also serves to illustrate the opportune time for their implementation across the ACT Government.
- 1.3 The commentary of the Elected Body that is provided below is not intended to be exhaustive of all areas of implementation.

Recommendations

- 1.4 During the 2018 hearings, the Elected Body frequently emphasised during the 2018 hearings that it considers the outcomes achieved by programs and services which assist Aboriginal and Torres Strait Islander people to be of critical importance. It is the view of the Elected Body that processes are important to the extent that they achieve results.
- 1.5 The Elected Body takes the view that this applies for Aboriginal and Torres Strait Islander-specific programs and services, as well as mainstream programs and services which assist Aboriginal and Torres Strait Islander people.
- 1.6 At various points during the hearings the Elected Body became concerned that it was not always clear whether appropriate steps had been taken by directorates and agencies to ensure that effectiveness was achieved, could be demonstrated or reported upon. This first became apparent during the hearing with representatives of the Chief Minister, Treasury and Economic Development Directorate which opened the hearings on 14 March 2018.
- 1.7 Accordingly, the Elected Body made the following recommendation.

RECOMMENDATION 1

- 1.8 **The Elected Body recommends that all ACT Government directorates and agencies, to the extent that they have not already done so: (i) develop measurable objectives and set realistic targets for all programs and services that assist Aboriginal and Torres Strait Islander people; (ii) develop, resource and implement the strategies required to achieve them; (iii) ensure that appropriate monitoring and evaluation arrangements are put in place to enable the progress and achievements of programs and services to be assessed; and (iv) publish the results of these assessments in their annual reports.**
- 1.9 In the commentary provided below, the Elected Body focuses on each of the four elements of the above recommendation in turn.

1.10 **(i) develop measurable objectives and set realistic targets for all programs and services that assist Aboriginal and Torres Strait Islander people**

1.11 Some of the areas in which this element of the recommendation may be implemented include:

- Objectives
 - Chief Minister, Treasury and Economic Development Directorate (CMTEDD)/Community Services Directorate (CSD)—strategic objective of the Aboriginal and Torres Strait Islander Cultural Centre (report pp.68; 144)
 - Health—strategic objective of the Ngunnawal Bush Healing Farm (report pp.320–26)
- Realistic targets
 - CMTEDD—whether there are targets for Indigenous Sports Grants (report p.69)
 - CSD—whether there are targets for the reduction in overcrowding of Aboriginal and Torres Strait Islander people through public housing or the Property Extension Program (report p.111).

1.12 **(ii) develop, resource and implement the strategies required to achieve them**

1.13 Some of the areas in which this element of the recommendation may be implemented include:

- CMTEDD—during the hearings with CMTEDD the Elected Body discussed the target of employing a minimum of 407 Aboriginal and Torres Strait Islander people across the ACTPS by 2018–19. The Elected Body is concerned that extant strategies to recruit, develop and retain Aboriginal and Torres Strait Islander employees are not sufficiently resourced to achieve this target and/or that new initiatives need to be developed to ensure that this target is achieved. (report pp.28; 52).

1.14 **(iii) ensure that appropriate monitoring and evaluation arrangements are put in place to enable the progress and achievements of programs and services to be assessed**

1.15 Some of the areas in which this element of the recommendation may be implemented include:

- CMTEDD—staff survey to assess awareness of RAP (report pp.47–48)
- CMTEDD/CSD—evaluation of the outcomes achieved by the diversity register being developed by CSD (report pp.52–53)
- CMTEDD—procurement and capital works projects—how to demonstrate what is achieved for Aboriginal and Torres Strait Islander employees, businesses and the community (report pp.59–64)
- CMTEDD—evaluation of economic and business strategies (report pp.65–66)
- Canberra Institute of Technology (CIT)—education and employment outcomes of Aboriginal and Torres Strait Islander students post-completion—feasibility of tracking students (report pp.91–92; 99)
- CSD—evaluation of the Aboriginal and Torres Strait Islander-specific housing policy to be developed (report p.152)
- Education Directorate (ED)—evaluation of cultural integrity framework (report pp.183; 193; 212–13)
- ED—move from apparent retention rates towards real retention rates—cooperation with other jurisdictions—cooperative work already undertaken with NSW (report pp.206–07)
- ED—support senior school studies recommendation about measuring literacy/numeracy of all students in Year 10
- Justice and Community Safety (JACS)—note the various evaluations that have been completed, are underway or have been proposed—also propose a follow-up evaluation of throughcare in the light of changed eligibility criteria and to address shortcomings identified with the methodology and scope of the 2017 evaluation—e.g. include whole-of-government/community costs and benefits? (report pp.245–46)

1.16 **(iv) publish the results of these assessments in their annual reports**

1.17 Some of the areas in which this element of the recommendation may be implemented include:

- Note issues which emerged during the hearings—the outcomes of some programs and services were reported upon multiple times in annual reports and by more than one directorate/agency—this undermines the accuracy and effectiveness of annual reports to meet their purpose; results in uncertainty and confusion; impacted on the ATSIEB hearings process
- Examples
 - CMTEDD/CSD—responsibility for the Aboriginal and Torres Strait Islander Cultural Centre and activities for or at the site—site management, bookings, cultural activities, Yarramundi markets (report pp.67–68; 144)
 - CMTEDD reported on the outcomes of ACT Health capital works projects (report pp.60–64).

RECOMMENDATION 2

1.18 **The Elected Body recommends that all directorates and agencies implement *Protocols for Working with Aboriginal and/or Torres Strait Islander Peoples* to guide their engagement with Aboriginal and Torres Strait Islander people in the ACT.**

1.19 In September 2015 the Elected Body published *Protocols for Working with Aboriginal and/or Torres Strait Islander Peoples*.

1.20 The protocols included in this publication 'were developed by Aboriginal and Torres Strait Islander community organisations and individual members of the ACT Aboriginal and Torres Strait Islander communities'. This document is 'a practice resource guide for all public, private and not-for-profit sector agencies and organisations seeking to engage with our communities'.¹

1.21 The development of the protocols document reflects the Elected Body's recognition of arrangements for engagement that are preferred by the Aboriginal and Torres Strait Islander community in the ACT. It acknowledges that Aboriginal and Torres Strait Islander cultures vary across Australia and that the protocols which are appropriate for engaging with Aboriginal and Torres Strait Islander communities also vary—protocols that are appropriate and utilised elsewhere in Australia may not be the best ones to follow in the ACT.

1.22 At various times during the 2018 hearings the Elected Body identified opportunities where the protocols could be usefully implemented to contribute to the effectiveness and success of programs and services.

1.23 Some of the areas in which this recommendation may be implemented include:

- CSD—acknowledgement of need to do things differently (report pp.132–34)
- EPSDD—failure to follow agreed protocols impacted on the demise of the Namadgi Interim Management Board (report pp.174–75; 177–79)
- Environment Planning and Sustainable Development Directorate (EPSDD)—acknowledged need to engage better (report pp.170–71)
- Health—uncertainty about the status of the advisory board for the Ngunnawal Bush Healing Farm—new arrangements to be established

¹ ACT Aboriginal and Torres Strait Islander Elected Body, *Protocols for Working with Aboriginal and/or Torres Strait Islander Peoples*, September 2015, p.3.

RECOMMENDATION 3

- 1.24 **The Elected Body recommends that all directorates and agencies ensure that the cultural awareness training delivered to their employees includes appropriate traditional custodian and Ngunnawal content and that it is delivered by a local provider.**
- 1.25 As noted in the introductory chapter of this 2018 hearings report, all directorates were asked a number of common questions including a specific question about the inclusion of Ngunnawal and traditional custodian content in the cultural awareness training that was delivered to their employees and whether this training was delivered by a local provider.
- 1.26 Similar to the rationale for developing protocols for engaging with the Aboriginal and Torres Strait Islander community in the ACT, this question acknowledges the unique culture and knowledge of the local Aboriginal and Torres Strait Islander community as well as the Elected Body's view that local providers should be engaged to deliver this training because of their connections with the local Aboriginal and Torres Strait Islander community, their knowledge of local culture and customs, and their awareness of issues of particular contemporary significance in the Aboriginal and Torres Strait Islander community. In addition, the Elected Body's view is that the engagement of a local provider in training delivery provides an opportunity to support the local Aboriginal and Torres Strait Islander community financially through employment, work experience and skills development.

RECOMMENDATION 4

- 1.27 **The Elected Body recommends that all directorates and agencies to the extent that they have not already done so, ensure that (i) the delivery of all the programs and services they provide or fund is culturally-competent, (ii) Aboriginal and Torres Strait Islander culture is appropriately recognised by their executive, management and staff in the course of their regular day-to-day business, and (iii) cultural performances by individuals and groups which are representative of the Aboriginal and Torres Strait Islander community in the Territory are included in all significant events as appropriate.**
- 1.28 In the commentary provided below, the Elected Body focuses on each of the three elements of the recommendation in turn.
- 1.29 Some of the areas in which this recommendation may be implemented include:
- 1.30 **(i) the delivery of all the programs and services they provide or fund is culturally-competent**
- What does 'culturally-competent' mean? — note various references were made to the concept throughout the hearings — e.g. training in cultural competency at ED.
- 1.31 **(ii) Aboriginal and Torres Strait Islander culture is appropriately recognised by their executive, management and staff in the course of the regular day-to-day business**
- Acknowledgement of Ngunnawal and other Aboriginal and Torres Strait Islander peoples in internal business proceedings — all directorates/agencies
 - ED — include in executive meetings.
- 1.32 **(iii) cultural performances by individuals and groups which are representative of the Aboriginal and Torres Strait Islander community in the Territory are included in all significant events as appropriate.**
- CMTEDD — discussion about including Aboriginal and Torres Strait Islander performances in the opening of significant events like the National Multicultural Festival (report pp.66–67)



RECOMMENDATION 5

- 1.33 **The Elected Body recommends that all ACT Government directorates and agencies take opportunities to support the emergence of new Aboriginal and Torres Strait Islander-controlled service providers in the Territory and that, where appropriate they leverage off the capability of existing organisations where appropriate to expand the Aboriginal and Torres Strait Islander-controlled sector.**
- 1.34 The provision of support by all directorates and agencies for the emergence of new Aboriginal and Torres Strait Islander-controlled organisations is consistent with the recognition of the importance of self-determination for Aboriginal and Torres Strait Islander people, as well as the need to assure members of the community who access programs and services that they are ‘culturally safe’.
- 1.35 At various points in the hearings process opportunities were identified for supporting the emergence of new Indigenous-controlled service providers.
- 1.36 Some of the areas in which this recommendation may be implemented include:
- CMTEDD — discussion regarding Boomanulla Oval — Elected Body recommendation to develop and return to Aboriginal and Torres Strait Islander-controlled management (report p.66)
 - CMTEDD/CSD — discussion regarding the Aboriginal and Torres Strait Islander Cultural Centre — management and resourcing of the cultural centre is allocated across directorates — no operational budget for cultural activities — opportunity to be managed by an Aboriginal and Torres Strait Islander-controlled organisation? (report pp.67–68)
 - CSD — expressed support for Aboriginal and Torres Strait Islander-controlled organisations. It was also noted during discussion that a great deal was expected of relatively few existing local Aboriginal and Torres Strait Islander-controlled organisations (report p.132)
 - CSD — during hearing noted absence of Aboriginal and Torres Strait Islander-controlled organisations in childcare and in disability (report pp.137–38)
 - CSD — reference was made to the *Family Matters 2017* report, specifically and its inclusion of the ACT Government’s observation that Aboriginal and Torres Strait Islander-controlled organisations are not present in some human service fields (report p.149)

RECOMMENDATION 6

- 1.37 **The Elected Body recommends that all ACT Government directorates and agencies identify and utilise all available opportunities to include Aboriginal and Torres Strait Islander people on committees and boards to ensure that the views of the Aboriginal and Torres Strait Islander community are represented.**
- 1.38 For the Elected Body, the inclusion of Aboriginal and Torres Strait Islander people on committees and boards across government serves a number of important purposes. It ensures that the local Aboriginal and Torres Strait Islander community is given a ‘voice’ in the design, development, implementation, oversight and evaluation of policies, programs and services; provides opportunities for the demonstration and further development of Aboriginal and Torres Strait Islander leadership and skills; and serves as a platform for the promotion of role models for members of the local Aboriginal and Torres Strait Islander community.
- 1.39 Some of the areas in which this recommendation may be implemented include:
- CMTEDD/CSD — notes the development of a diversity register by CSD and arrangements to facilitate Aboriginal and Torres Strait Islander representation on government boards (report pp.51–52; 103–04)
 - EPSDD — arrangements for the joint management of Namadgi National Park (report pp.174–79)



- ED—concern had been raised about continued under representation of Aboriginal and Torres Strait Islander parents on the Education Advisory Board (report p.214)
- Health—opportunity with proposed establishment of a new Advisory Board for the Ngunnawal Bush Healing Farm (report p.326).

RECOMMENDATION 7

- 1.40 **The Elected Body recommends that all ACT Government directorates and agencies ensure that the programs and services that they provide which assist Aboriginal and Torres Strait Islander people are planned and implemented to be responsive to current and future changes in community needs.**
- 1.41 At various times during the hearings the Elected Body was made aware that while directorates and agencies usually monitor the number of Aboriginal and Torres Strait Islander people they assist through various programs and services, none had made a concerted and ongoing effort to understand how many Aboriginal and Torres Strait Islander people they should be assisting.
- 1.42 It is the view of the Elected Body that this may impact adversely on the ability of directorates and agencies to set realistic service delivery targets for their service delivery and to determine the resourcing required to meet community needs.
- 1.43 The Elected Body also notes that a lack of understanding of the number of Aboriginal and Torres Strait Islander people who are in need and should be assisted reduces the ability of directorates and agencies to determine the extent of unmet need, and hence the shortfall in current service provision for Aboriginal and Torres Strait Islander people in the territory.
- 1.44 It is the view of the Elected Body that the responsiveness of existing programs and services to community need may be improved in a number of ways.
- 1.45 Some of the areas in which this recommendation may be implemented include:
- CMTEDD—Access Canberra does not capture the number of Aboriginal and Torres Strait Islander people who are not receiving assistance (report pp.54–55)
 - CMTEDD/CSD—no funds provided for cultural activities at the Aboriginal and Torres Strait Islander Cultural Centre (report pp.68; 144)
 - CSD—need to ensure adequate crisis accommodation for women and children escaping domestic violence (report pp.134–35)
 - CSD—whether sufficient diversionary accommodation is available for young Aboriginal and Torres Strait Islander people (report pp.141–42)
 - CSD/JACS—need for accommodation for Aboriginal and Torres Strait Islander people released from the Alexander Maconochie Centre (AMC) (report pp.143; 245)
 - ED—number and location of Koori pre-schools
 - JACS—need for a community-based reporting centre on the north side of the ACT (report p.236)
 - TCCS—Aboriginal and Torres Strait Islander community bus—needs to respond to peak times of demand—e.g. to facilitate attendance at significant Aboriginal and Torres Strait Islander events and celebrations such as NAIDOC Week, etc (report pp.294–95)
 - TCCS—change in the bus route made it difficult for Aboriginal and Torres Strait Islander people to access the health centre at Narrabundah (report p.300)
 - TCCS—need for better arrangements for transport to AMC to facilitate visits during visiting hours (report p.306)

- Health— need for health services (report pp.325; 336–37)
- Health— increasing the staffing, operating hours and location of the Aboriginal and Torres Strait Islander Liaison Unit at The Canberra Hospital (report pp.327–28)
- Health— need to include an Aboriginal and Torres Strait Islander staff member on the Crisis Assessment and Treatment Team (CATT) (report p.328)
- Health— need for an Aboriginal and Torres Strait Islander-specific rehabilitation and detoxification service (report pp.335–36)

DIRECTORATE AND AGENCY-SPECIFIC RECOMMENDATIONS



Recommendation 1

3.231 The Elected Body recommends that all ACT Government directorates and agencies, to the extent that they have not already done so: (i) develop measurable objectives and set realistic targets for all programs and services that assist Aboriginal and Torres Strait Islander people; (ii) develop, resource and implement the strategies required to achieve these objectives and targets; (iii) ensure that appropriate monitoring and evaluation arrangements are put in place to enable the progress and achievements of programs and services to be assessed; and (iv) publish the results of these assessments in their annual reports.

Recommendation 2

3.235 The Elected Body recommends that the ACT Government provide additional resources to support the recruitment, retention and development of Aboriginal and Torres Strait Islander people in the ACT Public Service to ensure that the target of having a minimum 407 Aboriginal and Torres Strait Islander employees in the ACT Public Sector by 2018–19 is achieved.

Recommendation 3

3.239 The Elected Body recommends that all directorates and agencies implement *Protocols for Working with Aboriginal and/or Torres Strait Islander Peoples* to guide their engagement with Aboriginal and Torres Strait Islander people in the ACT.

Recommendation 4

3.245 The Elected Body recommends that all directorates and agencies ensure that the cultural awareness training delivered to their employees includes appropriate Ngunnawal and traditional custodian content and that it is delivered by a local provider.

Recommendation 5

3.246 The Elected Body recommends that all directorates and agencies, to the extent they have not already done so, ensure that: (i) the delivery of all programs and services they provide or fund is culturally-competent; (ii) Aboriginal and Torres Strait Islander culture is appropriately recognised by their executive, management and staff in the course of their regular day-to-day business; and (iii) cultural performances by individuals and groups which are representative of the Aboriginal and Torres Strait Islander community in the Territory are included in all significant events as appropriate.



Recommendation 6	3.251	The Elected Body recommends that CMTEDD takes all steps necessary to ensure that the Boomanulla Oval development is expedited and that the oval is returned to Aboriginal and Torres Strait Islander community control and management.
Recommendation 7	3.255	The Elected Body recommends that the CMTEDD ensure that Aboriginal and Torres Strait Islander people and businesses are adequately involved in capital works projects in the Territory and that the economic impact of these projects for the Aboriginal and Torres Strait Islander community is demonstrated.
Recommendation 8	4.75	The Elected Body recommends that CIT investigate the feasibility of tracking Aboriginal and Torres Strait Islander students who participate in their training programs to determine the extent to which the training and support they are provided enables them to: (i) pursue additional training or study and/or; (ii) obtain full-time, part-time, permanent or casual paid employment and/or; (iii) obtain voluntary work for an Aboriginal and Torres Strait Islander or other organisation.
Recommendation 9	5.157	The Elected Body recommends that all ACT Government directorates and agencies take opportunities to support the emergence of new Aboriginal and Torres Strait Islander-controlled service providers in the Territory and that they leverage off the capability of existing organisations where appropriate to expand the Aboriginal and Torres Strait Islander-controlled sector.
Recommendation 10	5.165	The Elected Body recommends that the CSD continues to advocate, in the course of its negotiations with the Commonwealth Government in the context of a new housing and homelessness agreement, for the provision of adequate funding to enable the delivery of crisis and other forms of accommodation and related support, to Aboriginal and Torres Strait Islander people in the ACT.
Recommendation 11	5.173	The Elected Body recommends that the CSD continue to investigate options for the engagement of an independent adviser for placement decisions and cultural plans for Aboriginal and Torres Strait Islander children who are placed into out of home care.
Recommendation 12	5.179	The Elected Body recommends that the ACT Government implement all of the recommendations of the <i>Our Booris, Our Way</i> steering committee.
Recommendation 13	5.184	The Elected Body recommends that the CSD progress the development of an ACT Aboriginal and Torres Strait Islander-specific housing policy and that it ensures that the Aboriginal and Torres Strait Islander community is engaged throughout this process.



Recommendation 14	5.188	The Elected Body recommends that the ACT Government clarify the strategic purpose of the Aboriginal and Torres Strait Islander Cultural Centre at Yarramundi, and that adequate resources are provided for its strategic purpose to be realised.
Recommendation 15	6.96	The Elected Body recommends that the Environment, Planning and Sustainable Development Directorate engage with representatives of the Aboriginal and Torres Strait Islander community to re-establish appropriate governance arrangements to facilitate the joint management of Namadgi National Park.
Recommendation 16	7.107	The Elected Body recommends that the Education Directorate put arrangements in place to evaluate the outcomes achieved through the implementation of the cultural integrity framework.
Recommendation 17	7.111	The Elected Body recommends that the Education Directorate take all steps necessary to ensure that the ACT school system is responsive to the needs of individual Aboriginal and Torres Strait Islander students and supports each student to realise their full potential.
Recommendation 18	7.115	The Elected Body recommends that all ACT Government directorates and agencies identify and utilise all available opportunities to include Aboriginal and Torres Strait Islander people on committees and boards to ensure that the views of the Aboriginal and Torres Strait Islander community are represented.
Recommendation 19	8.140	The Elected Body recommends that the Justice and Community Safety Directorate work with the Community Services Directorate on the provision of diversionary accommodation options and post-release accommodation options for Aboriginal and Torres Strait Islander people who are released from the AMC to support their social reintegration.
Recommendation 20	8.144	The Elected Body recommends that the Justice and Community Safety Directorate work with ACT Health to investigate options to provide culturally-appropriate drug and alcohol rehabilitation services for Aboriginal and Torres Strait Islander people released from the AMC.
Recommendation 21	11.101	The Elected Body recommends that all ACT Government directorates and agencies ensure that the programs and services they provide which assist Aboriginal and Torres Strait Islander people are planned and implemented to be responsive to current and future changes in community needs.
Recommendation 22	12.115	The Elected Body recommends that ACT Health clarify the strategic objective of the Ngunnawal Bush Healing Farm. This should include how the Aboriginal and Torres Strait Islander community will be engaged to facilitate meeting this objective and potentially to manage the service.

Recommendation 23

12.121 The Elected Body recommends that ACT Health develop Aboriginal and Torres Strait Islander-specific clinical drug and alcohol rehabilitation services that are culturally-appropriate and responsive to individual, family and community needs.

Recommendation 24

12.125 The Elected Body recommends that ACT Health investigate options for determining the number of Aboriginal and Torres Strait Islander people in the ACT who need to access health programs and services in the Territory. This should include the number of Aboriginal and Torres Strait Islander people who actually seek to access existing health programs and services but are turned away.



2 BACKGROUND

Introduction

- 2.1 The Aboriginal and Torres Strait Islander Elected Body (the Elected Body) held hearings on 14 and 15 March 2018 at the Legislative Assembly for the ACT.
- 2.2 This was the eighth hearings process conducted by the Elected Body. The process is modelled on the estimates hearings processes of the ACT Legislative Assembly and of the Australian Senate. During the hearings, members of the Elected Body ask questions of officers of ACT Government directorates and agencies.
- 2.3 In the estimates hearings of the ACT Legislative Assembly it is usual for Ministers to appear and to be assisted by officers of government. While Ministers may be asked questions about government policy a Standing Order provides that an officer 'of a department of the Territory or the Commonwealth or a state shall not be asked to give opinions on matters of policy'.²
- 2.4 The hearings process used by the Elected Body differs from this model in an important way as Ministers are not required to respond to questions during its hearings. Section 26 of the *Aboriginal and Torres Strait Islander Elected Body Act 2008*—the source of the Elected Body's power to have witnesses appear before it in hearings—provides that the Elected Body 'may invite an executive officer of a government agency to attend a meeting of ATSIEB to discuss any issues relating to the functions of ATSIEB or the government agency'.³ Other officers of government agencies may attend to assist executive officers answer questions and provide information under this section of the Act.⁴

Structure of the report

- 2.5 Government directorates and agencies which appeared before the Elected Body during its hearings are considered in this report in the chronological order of their appearance. There is a chapter for each directorate and agency, which appeared as follows:
 - Chief Minister, Treasury and Economic Development Directorate
 - Canberra Institute of Technology
 - Community Services Directorate
 - Environment, Planning and Sustainable Development Directorate
 - Education Directorate
 - Justice and Community Safety Directorate
 - ACT Policing
 - Human Rights Commission
 - Transport Canberra and City Services Directorate
 - ACT Health.

2 Standing Order 264A(o), Standing Orders and Continuing Resolutions of the Assembly, current at 10 May 2018, available at: www.parliament.act.gov.au/in-the-assembly/standing_orders/chapter-21-witnesses#SO264

3 *Aboriginal and Torres Strait Islander Elected Body Act 2008*, Section 26 (1).

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



- 2.6 Each year the Elected Body provides generic questions to each of the ACT Government directorates and agencies prior to the commencement of hearings, with the understanding that written responses will be returned before the public hearings take place. This gives the Elected Body an opportunity to ask follow-up questions during hearings.
- 2.7 The generic questions provided to directorates and agencies in this instance were:
- 1 How can you demonstrate equitable access and increased or improved impact on outcomes for Aboriginal and Torres Strait Islander peoples in the ACT?
 - 2 How is the directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of your core business?
 - 3 How are you implementing the Agreement through relationships with Aboriginal and Torres Strait Islander organisations and community generally?
 - 4 How have you increased knowledge of the Agreement amongst staff and in particular your senior staff?
 - 5 Can you provide an update on your Aboriginal and Torres Strait Islander staffing profile by:
 - a current numbers (including percentages)
 - b number of identified positions
 - c gender
 - d classifications
 - e professional development and retention opportunities in place
 - f how are you increasing Aboriginal and Torres Strait Islander representation?
 - 6 What has your directorate specifically done to increase the Aboriginal and Torres Strait Islander leadership into the Senior Executive of your FTE?
 - 7 Provide the number of management positions in your directorate that are specifically in Aboriginal and Torres Strait Islander units or departments that are filled by non-Indigenous staff and why?
 - 8 What evidence can you provide to which would demonstrate that the services your directorate delivers for Aboriginal and Torres Strait Islander peoples in the ACT has been focused and effective?
 - 9 What evidence can you provide to which would demonstrate that the policy development and policy impact which your directorate is responsible for have been effective for Aboriginal and Torres Strait Islander peoples in the ACT?
 - 10 What percentage of your directorate's budget was allocated specifically to Aboriginal and Torres Strait Islander programs, services and clients? What evidence can you provide that this allocation was value for money and sufficient to meet the need? How much of that is utilised for administration?
 - 11 What has your directorate specifically done for your Aboriginal and Torres Strait Islander staff to provide access to peer support, mentoring and coaching?
 - 12 As Aboriginal and Torres Strait Islander cultural awareness is mandatory for each directorate, could you clarify for the ACT Aboriginal and Torres Strait Islander Elected Body how many people have achieved this training in the last financial year, including if your Director-General and Senior Executives are included in this process and have undertaken the training?
 - 13 What has the directorate specifically done to build upon the knowledge that your staff have obtained through Aboriginal and Torres Strait Islander cultural awareness training?
- 2.8 Prior to the hearings held on 14 and 15 March 2018 the Elected Body also asked members of the Aboriginal and Torres Strait Islander community in the ACT if they had any particular questions that they wished to have



asked during the hearings process. The Elected Body considers this approach important to ensure that the issues of particular concern to the community are heard. During the hearing, the Elected Body prioritised these questions.

- 2.9 In this report, the first part of the chapter for each directorate or agency presents a summary of the key matters included in the written responses to the Elected Body's 13 generic questions. The headings used for each of the generic questions in these chapters are:
- Equitable access and increased impact (generic question 1)
 - Implementation of the ACT Aboriginal and Torres Strait Islander Agreement (generic question 2)
 - Aboriginal and Torres Strait Islander organisations and community (generic question 3)
 - Increased knowledge of agreement amongst staff (generic question 4)
 - Aboriginal and Torres Strait Islander staffing profile (generic question 5)
 - Aboriginal and Torres Strait Islander leadership (generic question 6)
 - Management positions (generic question 7)
 - Focused and effective services (generic question 8)
 - Effective policy development and policy impact (generic question 9)
 - Budget allocations to programs, services and clients (generic question 10)
 - Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff (generic question 11)
 - Aboriginal and Torres Strait Islander cultural awareness training (generic question 12)
 - Building on knowledge obtained through cultural awareness training (generic question 13)
- 2.10 Following this section in each chapter is a list of the key matters discussed in each hearing, followed by an account of the matters that were discussed.
- 2.11 During the hearings process, all directorates and agencies were first asked to respond to two common questions and then additional questions that were specific to their responsibilities. In the latter process all directorates were asked questions about the employment of Aboriginal and Torres Strait Islander people.
- 2.12 Although the order in which matters were discussed could vary between the hearings with different directorates, the approach taken in this report has been to outline the discussion between the Elected Body and representatives of directorates about the two common questions first, followed by discussions relating to the employment of Aboriginal and Torres Strait Islander people, then discussion about other matters of significance.
- 2.13 The two common questions that the Elected Body asked all directorates during the hearings were:
- What Aboriginal and Torres Strait Islander events has/have the Minister/s attended in the last three years?
 - Does your cultural awareness training cover Ngunnawal and/or traditional custodian content? And is it delivered by a local provider?
- 2.14 At the end of each of the directorate or agency chapters that is dedicated to a directorate or agency is a section entitled 'Elected Body comment' which presents a very brief summary of selected key points that were made in both the responses to generic questions and which were discussed during each hearing, and then puts forward the views and recommendations of the Elected Body in relation to the matters and evidence considered in the body of the chapter.
- 2.15 Witnesses from each directorate and agency who appeared at hearings are listed in Appendix A.
- 2.16 During the hearings held on 14 and 15 March 2018 there were no Questions on Notice. However more than 90 Questions were Taken on Notice during the hearings and a summary of responses to these is presented in Appendix B.



ACT Aboriginal and
Torres Strait Islander Elected Body

REPORT ON THE
OUTCOMES OF THE
ATSIEB HEARINGS
2018 **DAY ONE**

3 CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE



Introduction

- 3.1 Officers of the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) appeared before the ATSIEB in hearings on 14 March 2018.
- 3.2 The directorate's responses to the Elected Body's generic questions and to questions asked by the Elected Body during the hearings are considered below.

Responses to generic questions

1 Equitable access and increased impact

- 3.3 The Elected Body's first generic question asked:

How can you demonstrate equitable access and increased or improved impact on outcomes for Aboriginal and Torres Strait Islander people in the ACT?

- 3.4 In its written response to the Elected Body's first generic question the directorate indicated that:
- The 'ongoing implementation of the directorate's *Reconciliation Action Plan 2017–19*' which includes actions such as engaging 'employees in cultural learning opportunities', providing opportunities for Aboriginal and Torres Strait Islander staff to celebrate NAIDOC Week, and continuing to build for them to 'engage in and influence the sporting life of the ACT'.⁵
 - A range of specific activities, programs and initiatives were undertaken by various business units including:
 - 'A whole-of-government Aboriginal and Torres Strait Islander Employment Traineeship Program' which is 'coordinated through the ACTPS Inclusion Employment Team'⁶
 - an Aboriginal and Torres Strait Islander Career Development and Retention Program⁷
 - the ACTPS Aboriginal and Torres Strait Islander Employment Framework⁸
 - VisitCanberra's promotion of 'local and Aboriginal and Torres Strait Islander culture and experiences within Canberra'⁹
 - the provision of 'subsidised vocational education and training options for Aboriginal and Torres Strait Islander job seekers and existing workers; and employment opportunities in the form of traineeships and apprentices' by Skills Canberra¹⁰
 - the release of the draft *ACT Aboriginal and Torres Strait Islander Arts Report* by artsACT.¹¹

5 CMTEDD response to ATSIEB generic questions, December 2017, p.1.

6 CMTEDD response to ATSIEB generic questions, December 2017, p.1.

7 CMTEDD response to ATSIEB generic questions, December 2017, p.1.

8 CMTEDD response to ATSIEB generic questions, December 2017, p.2.

9 CMTEDD response to ATSIEB generic questions, December 2017, p.2.

10 CMTEDD response to ATSIEB generic questions, December 2017, p.2.

11 CMTEDD response to ATSIEB generic questions, December 2017, p.3.

2 Implementation of the ACT Aboriginal and Torres Strait Islander Agreement

3.5 The Elected Body's second generic question asked:

How is the directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of your core business?

3.6 In its written response to the Elected Body's second generic question the directorate indicated business units in the directorate were responsible for implementing various actions which included the following:

- In relation to the work of the Workforce Capability and Governance Division:
 - support for the Head of Service 'to implement employment strategies . . . to employ a minimum of 407 Aboriginal and Torres Strait Islander people by 2018–19'¹²
 - support for the Inclusion Traineeship which provided 'full-time permanent employment at the successful completion'¹³
 - support for the ACTPS Graduate Program in which 'front-end support is provided to Aboriginal and Torres Strait Islander people to allow those people to compete on merit in a mainstream program'¹⁴
 - provision of 'better resources for executives, managers and supervisors to be involved in, and to consider the employment of Aboriginal and Torres Strait Islander people'¹⁵
 - provision 'of training through Inclusion Employment Programs for panel and selection members, staff, managers and supervisors involved with inclusion employment programs'.¹⁶
- In relation to the work of VisitCanberra:
 - implementation of 'initiatives under the Agreement to increase opportunities for Aboriginal and Torres Strait Islander peoples to move towards economic independence'.¹⁷
- In relation to the work of artsACT:
 - the 'ACT Aboriginal and Torres Strait Islander Arts Consultation process and associated program development opportunities'
 - 'establishment of the ACT Aboriginal and Torres Strait Islander Arts Network'.¹⁸
- In relation to the work of ACT Treasury:
 - that consideration be given to 'how a new proposal or policy will impact upon the Aboriginal and Torres Strait Islander community in the Territory' in briefing the Budget Committee of Cabinet as part of the annual budget process.¹⁹

3 Aboriginal and Torres Strait Islander organisations and community

3.7 The Elected Body's third generic question asked:

How are you implementing the Agreement through relationships with Aboriginal and Torres Strait Islander organisations and community generally?

12 CMTEDD response to ATSIEB generic questions, December 2017, p.5.

13 CMTEDD response to ATSIEB generic questions, December 2017, p.5.

14 CMTEDD response to ATSIEB generic questions, December 2017, p.5.

15 CMTEDD response to ATSIEB generic questions, December 2017, p.5.

16 CMTEDD response to ATSIEB generic questions, December 2017, p.5.

17 CMTEDD response to ATSIEB generic questions, December 2017, p.5.

18 CMTEDD response to ATSIEB generic questions, December 2017, p.6.

19 CMTEDD response to ATSIEB generic questions, December 2017, p.6.



3.8 In its written response to the Elected Body's third generic question the directorate indicated that:

The Inclusion Employment Team [in Workplace Capability and Governance] works with the community, the ACTPS Aboriginal and Torres Strait Islander Network (Murranga Murranga) and with Aboriginal and Torres Strait Islander Employment agencies such as Habitat Personnel, Australian Training Company and ILC (Indigenous Leadership Centre) in the promotion of employment and working within the ACTPS.²⁰

3.9 It also indicated that:

artsACT had been focused on developing respectful and ongoing relationships with Aboriginal and Torres Strait Islander communities and has prioritised the process of deep relationship building through the ACT Aboriginal and Torres Strait Islander Arts Consultation Report.²¹

4 Increased knowledge of the Agreement amongst staff

3.10 The Elected Body's fourth generic question asked:

How have you increased knowledge of the Agreement amongst staff and in particular your senior staff?

3.11 In its written response to the Elected Body's fourth generic question the directorate indicated that:

- the Head of Service had 'incorporated individual directorate targets into all Director-General's performance agreements', thus 'strengthening the accountability of senior executives'.²²
- Various other relevant actions that were undertaken by VisitCanberra and Skills Canberra.²³

5 Aboriginal and Torres Strait Islander staffing profile

3.12 The Elected Body's fifth generic question asked:

Can you provide an update on your Aboriginal and Torres Strait Islander staffing profile by: a) Current numbers (including percentage); b) Number of identified positions; c) Gender; d) Classifications; e) Professional development and retention opportunities in place; and f) how are you increasing Aboriginal and Torres Strait Islander representation?

3.13 In its written response to the Elected Body's fifth generic question the directorate indicated that:

- CMTEDD had 28 employees who identified as having an Aboriginal and Torres Strait Islander background or 1.2 per cent of its workforce, though the count is most likely understated
- four identified positions
- the 28 employees who identified as having an Aboriginal and Torres Strait Islander background included 18 males and 10 females.²⁴

20 CMTEDD response to ATSIEB generic questions, December 2017, p.8.

21 CMTEDD response to ATSIEB generic questions, December 2017, p.8.

22 CMTEDD response to ATSIEB generic questions, December 2017, p.10.

23 CMTEDD response to ATSIEB generic questions, December 2017, p.10.

24 CMTEDD response to ATSIEB generic questions, December 2017, p.11.



3.14 The directorate also provided a table showing the classification levels of its Aboriginal and Torres Strait Islander employees.²⁵ This table is reproduced below.

Classification	No.	
Administrative and related classification stream	Administrative Services Officer Class 1	2
	Administrative Services Officer Class 2	1
	Administrative Services Officer Class 3	2
	Administrative Services Officer Class 4	1
	Administrative Services Officer Class 5	2
	Administrative Services Officer Class 6	4
	Senior Officer Grade A	3
	Senior Officer Grade B	4
	Contract Executive	1
Infrastructure services stream	Building Trade Apprentice	1
Technical and other professional stream	Information Communications Technology Trainee	1
	Information Technology Officer Class 1	1
	Information Technology Officer Class 2	2
	Work Cover Officer 6	1
	Senior Information Technology Officer Grade C	1
	Infrastructure Manager/Specialist Class 1	1
Total	28	

3.15 The directorate's response indicated that it provided the following professional development and retention opportunities:

- a 'RAP Implementation Working Group . . . had been established to engage Aboriginal and Torres Strait Islander and other employees' in the delivery of the RAP and 'to provide an opportunity for ideas to be shared on the steps we can take on our journey of meaningful reconciliation'
- four directorate employees 'participated in the Aboriginal and Torres Strait Islander Career Development Program'
- a 'mentoring group for Aboriginal and Torres Strait Islander peoples who have entered the service through entry level programs' has been established
- all employees participate in 'regular performance and development conversations'
- an Aboriginal and Torres Strait Islander Employment and Retention Plan is to be developed as part of the directorate's *Diversity and Inclusion Strategy 2018–2020*.²⁶

3.16 The directorate's response indicated that it was increasing Aboriginal and Torres Strait Islander representation by:

- participating in the ACTPS Graduate Program—one 'identified Aboriginal and Torres Strait Islander person had been offered a place in CMTEDD for the 2018 Graduate Program'²⁷
- employing three Aboriginal and Torres Strait Islander people through ACTPS traineeship programs in 2017²⁸

25 CMTEDD response to ATSIEB generic questions, December 2017, pp.11–12.

26 CMTEDD response to ATSIEB generic questions, December 2017, p.12.

27 CMTEDD response to ATSIEB generic questions, December 2017, p.12.

28 CMTEDD response to ATSIEB generic questions, December 2017, p.12.



- including a diversity statement in vacancy advertisements that encouraged Aboriginal and Torres Strait Islanders to apply²⁹
- performance agreements for all executives who report directly to the Director-General include diversity targets³⁰
- an Aboriginal and Torres Strait Islander Employment and Retention Plan is to be developed.³¹

6 Aboriginal and Torres Strait Islander leadership

3.17 The Elected Body's sixth generic question asked:

What has your directorate specifically done to increase the Aboriginal and Torres Strait Islander leadership into the Senior Executive of your FTE?

3.18 In its written response to the Elected Body's sixth generic question, the directorate indicated it:

- was investigating a number of avenues including an Aboriginal and Torres Strait Islander Leadership Development Program 'aimed at staff at the senior officer level, or inviting high-performing Aboriginal and Torres Strait Islander senior officers to attend existing executive development seminars'³²
- supported four employees to participate in the Aboriginal and Torres Strait Islander Career Development Program³³
- had one identified Aboriginal and Torres Strait Islander employee in the senior executive.³⁴

7 Management positions

3.19 The Elected Body's seventh generic question asked:

Provide the number of management positions in your directorate that are specifically in Aboriginal and Torres Strait Islander units or departments that are filled by non-Indigenous staff and why?

3.20 In its response to the Elected Body's seventh generic question the directorate indicated that:

There are no specific Aboriginal and Torres Strait Islander units within CMTEDD.³⁵

8 Focused and effective services

3.21 The Elected Body's eighth generic question asked:

What evidence can you provide which would demonstrate that the services your directorate delivers for Aboriginal and Torres Strait Islander peoples in the ACT has been focused and effective?

29 CMTEDD response to ATSIEB generic questions, December 2017, p.12.

30 CMTEDD response to ATSIEB generic questions, December 2017, p.12.

31 CMTEDD response to ATSIEB generic questions, December 2017, p.13.

32 CMTEDD response to ATSIEB generic questions, December 2017, p.14.

33 CMTEDD response to ATSIEB generic questions, December 2017, p.14.

34 CMTEDD response to ATSIEB generic questions, December 2017, p.14.

35 CMTEDD response to ATSIEB generic questions, December 2017, p.15.



- 3.22 In its response to the Elected Body's eighth generic question the directorate indicated that:
- VisitCanberra 'promotes Aboriginal and Torres Strait Islander products and experiences through a range of communication channels including:
 - the Canberra and Region Visitors Centre³⁶
 - a dedicated Aboriginal and Torres Strait Islander culture section in the annual visitor guide³⁷
 - the visitcanberra.com.au website and associated PR and social media activity'³⁸
 - regular tours delivered by Dharwa Tours — digital channels enable VisitCanberra to consumer interest in, and leads provided to, the Dharwa website.³⁹
- 3.23 Skills Canberra is 'addressing disadvantage among Aboriginal and Torres Strait Islander peoples in terms of employment outcomes and work-related educational attainment'.⁴⁰
- Aboriginal and Torres Strait Islanders are employed in traineeships and apprenticeships
 - VET qualifications help to ensure that Aboriginal and Torres Strait Islanders have skills to support their participation in the workforce.⁴¹
- 3.24 For artsACT, an Aboriginal and Torres Strait Islander Consultation Report and future action plan 'will ensure that targeted new programs will be focused on the priorities of the Aboriginal and Torres Strait Islander communities'.⁴²

9 Effective policy development and policy impact

- 3.25 The Elected Body's ninth generic question asked:

What evidence can you provide which would demonstrate that the policy development and policy impact which your directorate is responsible for have been effective for Aboriginal and Torres Strait Islander peoples in the ACT?

- 3.26 In its written response to the Elected Body's ninth generic question the directorate indicated that:
- its Reconciliation Action Plan dedicates four actions and 17 specific deliverables to 'tracking and progress'⁴³
 - employment data in the ACTPS *State of the Service Report* indicates progress towards employment targets⁴⁴
 - engagement with Aboriginal and Torres Strait Islander arts and cultures is a priority in the 2015 Arts Policy⁴⁵
 - total direct expenditure on ACT Aboriginal and Torres Strait Islander programs and services in 2015–16 is estimated to be \$420 million, with \$247 million of this funded by the ACT Government⁴⁶

36 CMTEDD response to ATSIIEB generic questions, December 2017, p.16.

37 CMTEDD response to ATSIIEB generic questions, December 2017, p.16.

38 CMTEDD response to ATSIIEB generic questions, December 2017, p.16.

39 CMTEDD response to ATSIIEB generic questions, December 2017, p.16.

40 CMTEDD response to ATSIIEB generic questions, December 2017, p.16.

41 CMTEDD response to ATSIIEB generic questions, December 2017, p.17.

42 CMTEDD response to ATSIIEB generic questions, December 2017, p.17.

43 CMTEDD response to ATSIIEB generic questions, December 2017, p.18.

44 CMTEDD response to ATSIIEB generic questions, December 2017, p.18.

45 CMTEDD response to ATSIIEB generic questions, December 2017, p.18.

46 CMTEDD response to ATSIIEB generic questions, December 2017, p.18.



- in 2015–16 the ACT Government administered 45 Aboriginal and Torres Strait Islander-specific programs and services with an estimated expenditure of \$14.8 million⁴⁷
- the ACT Government has invested in a review of the over-representation of Aboriginal and Torres Strait Islander children in out of home care⁴⁸
- the ACT Government provides grants to support Aboriginal and Torres Strait Islander people for leadership training and development opportunities.⁴⁹

10 Budget allocations to programs, services and clients

3.27 The Elected Body's tenth generic question asked:

What percentage of your directorates' budget was allocated specifically to Aboriginal and Torres Strait Islander programs, services and clients? What evidence can you provide that this allocation was value for money and sufficient to meet the need? How much of that is utilised for administration?

3.28 In its written response to the Elected Body's tenth generic question the directorate indicated that:

- in 2016–17 the directorate (including the Canberra Institute of Technology) provided more than \$6 million for nine programs which specifically target Aboriginal and Torres Strait Islander clients⁵⁰
- it also allocated \$55,600 in 2016–17 for an Indigenous Sport Development Officer⁵¹
- its total direct expenditure on Aboriginal and Torres Strait Islanders is likely to have been greater than \$28.5 million in 2016–17⁵²
- Skills Canberra administers the Australian Apprenticeship and Skilled Capital programs with all funds used to purchase training products and learning support services⁵³
- in 2017, 18 per cent (\$34,137) of ACT Adult Community Education (ACE) Grants program funds was allocated to projects specifically for Aboriginal and Torres Strait Islanders⁵⁴
- \$100,000 was allocated to artsACT in each 2016–17 and 2017–18 for activities supporting Aboriginal and Torres Strait Islander programs.⁵⁵

11 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff

3.29 The Elected Body's eleventh generic question asked:

What has your directorate specifically done for your Aboriginal and Torres Strait Islander staff to provide access to peer support, mentoring and coaching?

3.30 In its written response to the Elected Body's eleventh generic question, the directorate indicated that:

- it was working with the Office for Aboriginal and Torres Strait Islander Affairs (OATSIA) and Murranga Murranga to establish 'mentors to provide pastoral care, support and advice to both the participants and new employees involved in the Inclusion Employment programs and the work areas involved'⁵⁶

47 CMTEDD response to ATSIEB generic questions, December 2017, p.18.

48 CMTEDD response to ATSIEB generic questions, December 2017, p.18.

49 CMTEDD response to ATSIEB generic questions, December 2017, p.19.

50 CMTEDD response to ATSIEB generic questions, December 2017, p.20.

51 CMTEDD response to ATSIEB generic questions, December 2017, p.21.

52 CMTEDD response to ATSIEB generic questions, December 2017, p.21.

53 CMTEDD response to ATSIEB generic questions, December 2017, p.21.

54 CMTEDD response to ATSIEB generic questions, December 2017, p.21.

55 CMTEDD response to ATSIEB generic questions, December 2017, p.21.

56 CMTEDD response to ATSIEB generic questions, December 2017, p.23.



- it had established 'a mentoring group for Aboriginal and Torres Strait Islander peoples who have entered the service through entry level programs'⁵⁷
- it supported four employees to participate in the Aboriginal and Torres Strait Islander Career Development Program⁵⁸
- all employees participate in regular performance and development conversations.⁵⁹

12 Aboriginal and Torres Strait Islander cultural awareness training

3.31 The Elected Body's twelfth generic question asked:

As Aboriginal and Torres Strait Islander cultural awareness is mandatory for each directorate, could you clarify for the ACT ATSIEB how many people have achieved this training in the last financial year, including if your Director-General and senior executives are included in this process and undertaken the training?

3.32 In its written response to the Elected Body's twelfth generic question the directorate indicated that:

- in 2016–17, 57 employees including 39 senior executives attended cultural awareness training facilitated by Curijo⁶⁰
- in its Reconciliation Action Plan, the directorate committed to make cultural awareness training available to all staff and to have it delivered at least three times a year.⁶¹

13 Building on knowledge obtained through cultural awareness training

3.33 The Elected Body's thirteenth generic question asked:

What has the directorate specifically done to build upon the knowledge that your staff have obtained through Aboriginal and Torres Strait Islander cultural awareness training?

3.34 In its written response to the Elected Body's thirteenth generic question the directorate indicated that:

- in 2017–18 VisitCanberra worked on tourism projects with a focus on local Aboriginal culture⁶²
- the 2017 Canberra Region Tourism Awards gala presentation will include a Welcome to country, Aboriginal MC, entertainment and a bush tucker influenced menu⁶³
- Skills Canberra's Field Officers completed accredited Aboriginal and Torres Strait Islander cultural competence training and provided support to trainees and apprentices⁶⁴
- artsACT had a visit to country led by Murrumbung rangers⁶⁵
- the directorate also:
 - hosted Ngunnawal language sessions for about 40 employees⁶⁶
 - created a specific intranet page for reconciliation⁶⁷

57 CMTEDD response to ATSIEB generic questions, December 2017, p.23.

58 CMTEDD response to ATSIEB generic questions, December 2017, p.23.

59 CMTEDD response to ATSIEB generic questions, December 2017, p.23.

60 CMTEDD response to ATSIEB generic questions, December 2017, p.24.

61 CMTEDD response to ATSIEB generic questions, December 2017, p.24.

62 CMTEDD response to ATSIEB generic questions, December 2017, p.25.

63 CMTEDD response to ATSIEB generic questions, December 2017, p.25.

64 CMTEDD response to ATSIEB generic questions, December 2017, p.25.

65 CMTEDD response to ATSIEB generic questions, December 2017, p.25.

66 CMTEDD response to ATSIEB generic questions, December 2017, p.25.

67 CMTEDD response to ATSIEB generic questions, December 2017, p.25.



- promoted staff attendance at local community NAIDOC Week events, and provided leave for Aboriginal and Torres Strait Islander peoples⁶⁸
- organised a Welcome to country for a NAIDOC Week event⁶⁹
- participated in the Yarramundi Markets⁷⁰
- established the RAP Implementation Working Group.⁷¹

Hearings

- 3.35 The Chief Minister, Treasury and Economic Development Directorate appeared before the Elected Body in hearings on 14 March 2018.
- 3.36 Matters were discussed with representatives of the Chief Minister and Treasury portfolio area early in the hearings,⁷² while the later part of the hearings mostly involved discussion with representatives of Economic Development.⁷³ These two portfolio areas are dealt with separately below.

Matters considered — Chief Minister and Treasury

- 3.37 Matters considered by the Elected Body over the course of the hearings, in relation to Chief Minister and Treasury, included:
- Aboriginal and Torres Strait Islander events attended by the Minister⁷⁴
 - cultural awareness training⁷⁵
 - employment of Aboriginal and Torres Strait Islander people⁷⁶
 - staff surveys⁷⁷
 - ADAPT⁷⁸
 - Aboriginal and Torres Strait Islander leadership in the ACTPS⁷⁹
 - customer service and knowledge of Aboriginal and Torres Strait Islander programs and services⁸⁰
 - economic assessments by ACT Treasury⁸¹
 - procurement⁸²
 - capital works projects.⁸³

68 CMTEDD response to ATSIIEB generic questions, December 2017, p.25.

69 CMTEDD response to ATSIIEB generic questions, December 2017, p.25.

70 CMTEDD response to ATSIIEB generic questions, December 2017, p.26.

71 CMTEDD response to ATSIIEB generic questions, December 2017, p.26.

72 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.1–12; 14–15; 26, 30–31, 32–33, 36–37.

73 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.13–14, 15–26, 27–30, 31–32, 33–36, 38–46.

74 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.2.

75 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.2–3, 14–15, 26, 36–37.

76 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.3–6, 9–11.

77 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.7, 11, 14.

78 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.7.

79 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.8, 9–10, 32.

80 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.27–30.

81 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.16–21.

82 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.21–26

83 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.23–26.



Key issues—Chief Minister and Treasury

Aboriginal and Torres Strait Islander events attended by the Minister

- 3.38 During the hearing the Elected Body asked how many Aboriginal and Torres Strait Islander-specific events the Minister attended over the last three years.⁸⁴
- 3.39 This question was taken on notice.⁸⁵
- 3.40 The response to this Question taken on Notice listed nine Aboriginal and Torres Strait Islander events that the Chief Minister had attended from 23 April 2015 to 15 November 2017, and noted that the list may not be exhaustive.⁸⁶

Cultural awareness training

- 3.41 During the hearing the Elected Body asked questions about the cultural awareness training that was provided to employees and the directorate's cultural awareness strategy.
- 3.42 The Elected Body was interested to find out whether the cultural awareness training being used included Ngunnawal and/or traditional custodian content and whether it was delivered by a local provider.⁸⁷
- 3.43 The Head of Service told the Elected Body that a local provider was being used and that the Executive Director, Corporate was considering the current provider and reviewing the training provided to assess whether it met all of the directorate's needs.⁸⁸
- 3.44 The Executive Director, Corporate advised that five cultural awareness training sessions had been or will be conducted in 2017–18 and that they are delivered by a local provider, Curijo.⁸⁹
- 3.45 He also advised that 'broader cultural awareness training at the senior executive level' was being considered 'to ensure that there is a really good understanding . . . regarding enterprises which are owned or run by Aboriginals and Torres Strait Islanders' as well as what Aboriginal and Torres Strait Islander people were looking for from the ACT Government.⁹⁰ He also advised that he understood that the cultural awareness training being delivered included Ngunnawal content but took on notice to provide advice about the elements of the training which did so.⁹¹
- 3.46 Later in the hearing, however, the Executive Director advised that the cultural awareness training did not include Ngunnawal content 'at this point in time' but is 'run by a local Ngunnawal company'. When the Elected Body questioned whether it was a Ngunnawal company, he replied that his understanding was that it was and apologised if that was not the case.⁹²
- 3.47 The Executive Director corrected the record later in the hearing by advising that from reading the outline of the cultural awareness training provided, one of the 'key topics' is 'an overview of Ngunnawal traditional ownership of the ACT and the region.'⁹³

84 ATSIEB, *Transcript of evidence*, 14 March 2018, p.2.

85 ATSIEB, *Transcript of evidence*, 14 March 2018, p.2.

86 Mr Robert Wright, Response to Question Taken on Notice No.1 at hearings of 14 March 2018, signed 11 April 2018.

87 ATSIEB, *Transcript of evidence*, 14 March 2018, p.2.

88 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.2.

89 Mr Robert Wright, *Transcript of evidence*, 14 March 2018, p.2.

90 Mr Robert Wright, *Transcript of evidence*, 14 March 2018, p.2.

91 Mr Robert Wright, *Transcript of evidence*, 14 March 2018, p.3.

92 Mr Robert Wright, *Transcript of evidence*, 14 March 2018, pp.14–15.

93 Mr Robert Wright, *Transcript of evidence*, 14 March 2018, p.26.



- 3.48 The response to the Question Taken on Notice about the Aboriginal and Torres Strait Islander cultural awareness training advised that it is offered to the directorate's staff by two providers, i.e. Curijo Pty Ltd and CIT Solutions in conjunction with the Yurauna Centre. According to the response:

Curijo is a Supply Nation certified organisation ... The training acknowledges the Ngunnawal People as the traditional custodians of the land and discusses the diversities of countries across Australia. It also covers the Ngunnawal protocols for Welcome to country and Acknowledgement of country. The training is generic in nature and does not go into specific Ngunnawal cultural information.

In the training offered by CIT Solutions and the Yurauna Centre, participants will learn to understand the culture of Aboriginal and Torres Strait Islanders, the kinship systems, history and contemporary challenges of the Ngunnawal people as well as engage with potential issues and barriers when working within Indigenous communities.⁹⁴

- 3.49 The Elected Body was also interested to know whether, in addition to the cultural awareness training provided, the directorate had a broader strategy to build 'cultural confidence in the directorate'.⁹⁵
- 3.50 In her response, the Head of Service advised that three cultural awareness training sessions would be held this year and that senior staff encouraged all staff to attend. She pointed out that senior staff also attended this training, and that consideration was being given to what Directors-General could do as a group to raise their awareness. In addition, she said that 'inclusion and Aboriginal and Torres Strait Islander awareness' is included in induction training, and that senior staff have been 'allocated to be champions'.⁹⁶
- 3.51 The Elected Body asked how the directorate is ensuring that staff who have received cultural awareness training 'are then able to use that when they are back in the workplace'. And how people were provided tools and information to get better outcomes for the Aboriginal and Torres Strait Islander community.⁹⁷
- 3.52 In responding, the Head of Service said that it would depend on the particular area in which people worked, noting that the situation would be different for example, for someone working in the directorate's HR compared with someone in Access Canberra. The Head of Service also said that Directors-General have targets to meet and that they report to her quarterly on 'achieving them and what they are doing to improve that'. She said that she expected that they would also do that with their employees.⁹⁸

Employment of Aboriginal and Torres Strait Islander people

- 3.53 During the hearing the Elected Body asked the directorate's representatives a number of questions related to the employment of Aboriginal and Torres Strait Islander people across the ACT public sector and the directorate's Aboriginal and Torres Strait Islander employment strategy.
- 3.54 During the discussion the Elected Body referred to the commitment made in the directorate's RAP 'to support the ongoing welfare and wellbeing of trainees and employees'. It asked how this was being achieved and what organisations and employment service providers were being used.⁹⁹
- 3.55 In his response the Executive Director, Corporate advised that 'The big issues are not just about recruitment ... but also about retention', and mentoring is a 'very important' part of that. He also advised that in 2017 the directorate had established 'a mentoring group, where a senior Aboriginal or Torres Strait Islander

94 Mr Robert Wright, Response to Question Taken on Notice No.2 at hearings of 14 March 2018, signed 9 April 2018.

95 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.36.

96 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.36.

97 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.37.

98 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.37.

99 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.3.



manager is providing support and career pathway advice for junior Aboriginal and Torres Strait Islander staff members'. He added that eight junior staff were currently participating in this group, which 'meets regularly and has a focus on career development and support'.¹⁰⁰

3.56 The Elected Body reiterated its question concerning 'a specific commitment in the RAP about the ongoing welfare and wellbeing of trainees and all employees ... [and] a commitment about working with organisations and employment service providers to achieve that'. With regard to this commitment, the Elected Body asked what organisations and employment service providers the directorate was working with.¹⁰¹

3.57 This question was taken on notice.¹⁰²

3.58 The Deputy Director-General, Workforce Capability and Governance advised that: 'a career development and retention program which provided support for lower and middle-range employees' was conducted at a whole-of-government level in May 2017 and 27 employees participated. She advised that the program involved 'whole-of-cohort peer support and mainstream and individual activities, which included individual development plans, coaching and mentoring'. She said she would advise 'who provided that service'.¹⁰³

3.59 The Elected Body said it was particularly interested in what service provider was used and it explained:

*One of the reasons for asking is that one of the only Indigenous organisations that was able to provide these services had to close its doors recently because of a lack of engagement from government at all levels. I am particularly interested in whether Habitat was someone you were using, and why the lack of work available has meant that their doors have closed, given that that is such a vital piece of work for us.*¹⁰⁴

3.60 During the discussion which followed, the Head of Service said that Habitat was a service provider that was being used,¹⁰⁵ while the Deputy Director-General, Workforce Capability and Governance advised that 'Interaction did the training' but that it was not an Indigenous organisation.¹⁰⁶ The Head of Service then advised that the directorate had the details.¹⁰⁷

3.61 Soon after, the Elected Body referred to the Aboriginal and Torres Strait Islander employment strategy and the commitment for an annual review. It asked how 'that is or was conducted', what the findings were and what follow-up actions were taken as a result.¹⁰⁸

3.62 This question was taken on notice.¹⁰⁹

3.63 The Elected Body was also interested to hear about 'the engagement of Aboriginal and Torres Strait Islander staff on employment and personal development issues, not on their individual issues.' It referred to 'a commitment about talking to that group collectively on the programs and pathways that you are creating' and asked how the engagement was done, what the staff suggested and how that was actioned.¹¹⁰

100 Mr Robert Wright, *Transcript of evidence*, 14 March 2018, p.3

101 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.3.

102 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.3.

103 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, p.3.

104 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.3.

105 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.4.

106 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, p.4.

107 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.4.

108 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.4.

109 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, p.4.

110 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.4.



3.64 The Deputy Director-General, Workforce Capability and Governance stated:

*We have got a staff network across the service. That responsibility at the moment sits with CSD, and CSD and our team had a recent conversation about engagement at a whole-of-government level about how effectively we could do that. We recognise that there are a number of staff networks that exist by directorates and we would like to explore with the executives of each of those directorate staff networks to determine how best to reconvene the whole-of-government staff networks, because we know that some networks are working very effectively, and we would like to re-engage and learn from those networks about what is working well and where we could do things differently and better.*¹¹¹

3.65 When the Elected Body then asked why the Community Services Directorate would lead this when CMTEDD had held 'responsibility for the employment of people in the ACTPS',¹¹² this question was taken on notice.¹¹³

3.66 The Head of Service then provided advice in relation to the review of the employment strategy and said that the directorate had looked at success in terms of both attraction and retention of Aboriginal and Torres Strait Islander staff.¹¹⁴

3.67 In the discussion which followed, the Head of Service referred to three developments.

3.68 The first was the rebranding of the Aboriginal traineeship program as a vocational education program and broadening its scope, in an effort to increase the attraction of that program.¹¹⁵

3.69 In response to a question from the Elected Body regarding retention and whether there was a career path to senior management for people who finish that program as they commence as APS2s, the Head of Service said that people who do the program are guaranteed to start at that level and having completed it were well placed to progress to higher levels. She said that the guarantee that was given provided certainty and security about what happens after people complete the program. She went on to say that 'transforming it to a vocational education program' helps to address a concern about jobs and career path. She said:

*We recognise that we are attracting different people with different skills and make sure that we do not just expect them to go into the service generically but actually look at the parts of the service that will offer a better career path. I think that is what we have tried to do with the refocus.*¹¹⁶

3.70 The Head of Service also mentioned that within CMTEDD a position of Inclusion Champion had been created. She said:

*That is another way that we have worked, both to provide an environment that is going to be more attractive for our recruits to remain and also to ensure that the service as a whole has an understanding and a focus on these issues...*¹¹⁷

3.71 The Head of Service also referred to the directorate's RAP senior executive sponsor. She said: 'We have continued to try to make that statement about the importance of having a senior person take that'.¹¹⁸

3.72 The discussion subsequently returned to the vocational education program.

111 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, pp.4–5.

112 ATSIEB, *Transcript of evidence*, 14 March 2018, p.5.

113 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, p.5.

114 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.5.

115 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.5.

116 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.6.

117 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.6.

118 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.6.



3.73 The Director, Public Sector Management Branch, Workforce Capability and Governance added that one of the reasons the traineeship was broadened to a vocational program 'is that there may well be opportunities for people to come out as ASO3s rather than 2s in that program, depending on the qualification and the positions available. We are trying to expand the flexibility of the program'.¹¹⁹

Staff surveys

3.74 During the hearing the Elected Body was interested to find out more about the conduct of staff surveys. It asked whether the surveys that were conducted determined the level of awareness of employees about the directorate's RAP and the reasons for staff exits.

3.75 When the Elected Body asked specifically about the conduct of a survey which would include questions about awareness of the RAP, the Deputy Director-General, Workforce Capability and Governance advised that an annual staff survey had not been conducted at a whole-of-government level 'for a number of years'.¹²⁰ When the Elected Body then referred to 'a detailed commitment' in the directorate's RAP that such questions would be included in annual staff surveys, adding that this 'is a bit hard to do if you do not conduct staff surveys,'¹²¹ the Deputy Director-General agreed.¹²²

3.76 Later in the hearing however the Director, Public Sector Management Branch mentioned that CMTEDD had conducted a staff survey last year. While she said she could not remember 'the specific question about RAP', she said:

*... the number of people identifying as Aboriginal or Torres Strait Islander was higher than what we get out of the official reports in the payroll system. I think the official number we get is about 1.2. In the survey we got 1.7.*¹²³

3.77 The Elected Body also asked whether the directorate conducted a survey of staff who exit 'to understand why those people leave'. It asked specifically about the exit rate for Aboriginal and Torres Strait Islander staff.¹²⁴

3.78 The Executive Director, Corporate advised that the directorate did have an exit survey, he did not know the specific reasons why people left, but he would take the question on notice.¹²⁵

3.79 In relation to the separation rate, the Deputy Director-General, Workforce Capability and Governance advised that the directorate includes data in the *State of the Service Report* on separation rates across the ACTPS. She said that the 30 June 2017 separation rate was 11.4 per cent.¹²⁶

3.80 When the Elected Body noted that the rate was 'about 4.5 per cent higher than the rest of the service', the Deputy Director-General, Workforce Capability and Governance said that was correct, noting that some 'directorates have quite a strong relationship with their employees and work with them in terms of understanding reasons for leaving, and sometimes that could be around support'.¹²⁷

3.81 When the Elected Body asked whether the Commonwealth had similar exit rates the Deputy Director-General took the question on notice.¹²⁸

3.82 Later in the hearing the issue about staff surveys was revisited.

119 Ms Judi Childs, *Transcript of evidence*, 14 March 2018, p.6.

120 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, p.4.

121 ATSIEB, *Transcript of evidence*, 14 March 2018, p.4.

122 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, p.4.

123 Ms Judi Childs, *Transcript of evidence*, 14 March 2018, p.7.

124 ATSIEB, *Transcript of evidence*, 14 March 2018, p.11.

125 Mr Robert Wright, *Transcript of evidence*, 14 March 2018, p.11.

126 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, p.11.

127 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, p.11.

128 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, p.11.



3.83 The Executive Director, Corporate explained that the survey that had been undertaken was ‘a workforce diversity survey’ rather than a staff survey. He said that in the survey, ‘a higher number of respondents’ identified as Aboriginal and Torres Strait Islanders ‘than in the statistics that we keep in our HR records’. He said that while there were ‘some quite positive results from Aboriginals and Torres Strait Islanders across all areas of the survey’, it was found that CMTEDD could improve in the area of ‘reconciliation and cultural competence’. He advised that the directorate was keen to ‘change the perception of staff who identify as Aboriginal and Torres Strait Islander, regarding that culturally inclusive and competent employer component’.¹²⁹

3.84 The Elected Body said that the questions that it asked:

‘... about surveys were in two streams. There is a commitment in your RAP—in fact, it is part of every RAP; it is part of how they do their evaluations—regarding how many of your staff actually understand that you have a RAP and how it relates to them. That is a key accountability factor—whether you have actually implemented your RAP or not. That is what that survey question was about. The other question was around exit surveys.’¹³⁰

3.85 The Executive Director, Corporate said that he did not know if that specific question was in the survey and he was waiting for the exit survey results.¹³¹

3.86 The response to the Question Taken on Notice¹³² advised:

CMTEDD has a voluntary exit survey that is available to all staff exiting the directorate. Diversity details are not collected via this survey.

3.87 The response to the Question Taken on Notice also provided the separation rates for Aboriginal and/or Torres Strait Islanders and for all staff in the directorate, in the ACTPS and in the Australian Public Service (APS) in 2016–17. The data provided in the response to the Question Taken on Notice are presented in the table below.

Staff	CMTEDD	ACTPS	APS
Aboriginal and/or Torres Strait Islanders	10.5%	11.4%	9.3%
All staff	8.2%	7.9%	7.1%

Align, Design, Analyse, Program and Transform (ADAPT) Strategic Workforce Planning

3.88 The Elected Body asked directorate representatives about the Aboriginal and Torres Strait Islander involvement that was used in the design of the ADAPT program.¹³³

3.89 In the discussion that followed, the Director, Public Sector Management Branch explained that ADAPT is a ‘workforce planning framework’. She stated:

It is a set of tools to enable directorates to do workforce planning. The first workforce planning that we are going to be doing is in our entry level, and I would expect that there will be quite significant consultation with Aboriginal and Torres Strait Islander staff, OATSIA and the staff network...¹³⁴

¹²⁹ Mr Robert Wright, *Transcript of evidence*, 14 March 2018, p.14.

¹³⁰ ATSIIEB, *Transcript of evidence*, 14 March 2018, p.14.

¹³¹ Mr Robert Wright, *Transcript of evidence*, 14 March 2018, p.14.

¹³² Mr Robert Wright, Response to Question Taken on Notice No.6 at hearings of 14 March 2018, signed 9 April 2018.

¹³³ ATSIIEB, *Transcript of evidence*, 14 March 2018, p.7.

¹³⁴ Ms Judi Childs, *Transcript of evidence*, 14 March 2018, p.7.



- 3.90 When the Elected Body asked whether there had been any Aboriginal or Torres Strait Islander involvement in designing the framework the Director, Public Sector Management Branch responded:

*No, not specifically. It is a very broad framework for strategic workforce planning across the service.*¹³⁵

- 3.91 When asked by the Elected Body whether ADAPT has specific targets the Director, Public Sector Management Branch advised:

*The targets are actually contained within the employment strategy, rather than the workforce planning toolkit. The workforce planning toolkit is a forward looking forecasting process. But we will obviously include those targets as part of the inputs into the workforce planning.*¹³⁶

- 3.92 Additional discussion about ADAPT occurred soon afterwards. In relation to measuring the impact of ADAPT the Director, Public Sector Management Branch explained:

*Impact is on a number of levels. Impact, obviously for the service as a whole, is that we secure our future capability so that we actually know what our future capability is, what the demands are, what our current gaps are and how we get there. But within that we also throw into all that mix our inclusion targets and other targets we may have—and we will have specific metrics on those—that we are already measuring. That will be a part of that broader piece of work and we will be looking at, from the graduate down, that whole entry cohort as one of our first activities.*¹³⁷

Aboriginal and Torres Strait Islander leadership in the ACTPS

- 3.93 In the hearings of 14 March 2018, the Elected Body expressed an interest in hearing about matters relating to Aboriginal and Torres Strait Islander leadership. It commenced discussion about this by asking what Aboriginal and Torres Strait Islander components were included in the Leaders Learning program.¹³⁸

- 3.94 The Director, Public Sector Management Branch stated:

*It is an SES learning program, and it does not have specific Aboriginal and Torres Strait Islander content. It does have diversity and inclusion content, encouraging leaders to think more broadly about the available workforce. As we all know, the typical places that people go for their workforce are drying up fairly quickly, with an ageing workforce. With potential workforces like the Aboriginal and Torres Strait Islander community, where it is a younger cohort, there is definitely more people could do to look at that.*¹³⁹

- 3.95 When the Elected Body then asked whether 'the Leaders Learning program [was] only about workforce, growing your workforce'¹⁴⁰, the Director, Public Sector Management Branch explained:

It is about building the leadership skills of the senior executive cohort. Part of that is around them actually understanding how to create inclusive and engaging workplaces. So it is about how to generate a strong sense of purpose and engagement with their people so that people understand the contribution they are making and to challenge some of their paradigms

135 Ms Judi Childs, *Transcript of evidence*, 14 March 2018, p.7.

136 Ms Judi Childs, *Transcript of evidence*, 14 March 2018, p.7.

137 Ms Judi Childs, *Transcript of evidence*, 14 March 2018, p.8.

138 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.8.

139 Ms Judi Childs, *Transcript of evidence*, 14 March 2018, p.8.

140 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.8.



*around diversity and look at things like unconscious bias and things like that. It is a self-development program to try to open up people's minds to possibilities for leading what their future workforce may look like but also leading that workforce more effectively.*¹⁴¹

3.96 The Elected Body explained that it was interested in asking about the Aboriginal and Torres Strait Islander components of the program because 'given the long-term issue of growing Aboriginal and Torres Strait Islander leadership in the directorate, it would seem that the next sensible step would be to have a leaders learning program that works with the existing leadership on how to improve Indigenous outcomes'.¹⁴²

3.97 The Director, Public Sector Management Branch said:

*Yes. I take that on board. If we look at the pilot career development and the leadership program that we did, one of the pleasing aspects of that is that, whilst Aboriginal and Torres Strait Islander employee turnover is higher than the general average across the service, we have not lost anyone who participated in that program.*¹⁴³

3.98 The Elected Body also inquired how Aboriginal and Torres Strait Islander talent in the ACT public service is identified, what training and opportunities were then made available to that talent, what the outcomes were and what had been learned.¹⁴⁴

3.99 The Head of Service replied:

*The reality is that as a service we are quite small and the raw numbers of our Aboriginal and Torres Strait Islander members are still quite small, so we have tended to focus on the whole cohort rather than trying to pick winners out of that cohort. We probably have not as a whole service taken that approach of actually actively picking people we think have potential and giving them specialised training or specialised attention. I know that is something public services have done over the years, but we have not done that as a service as a whole either.*¹⁴⁵

3.100 The Deputy Director-General, Workforce Capability and Governance added:

*... we have the Aboriginal and Torres Strait Islander employment framework. As part of that framework we have areas of action which talk about building capability, and there are a number of areas of action. That framework is building towards increasing the numbers of employees to 407 by 2019. So that is the framework by which we would build the talent across the service.*¹⁴⁶

3.101 When the Elected Body asked how this was 'tracking', it was advised that two placements had been offered in the graduate program this year but 'only one placement was accepted'. It was also told that there were 43 applications for the vocational employment program for traineeships this year, and that an assessment process had commenced for the traineeships to start in June of this year.¹⁴⁷

3.102 When the Elected Body then asked whether a total of eight placements would be offered to the 43 applicants, the Deputy Director-General replied:

141 Ms Judi Childs, *Transcript of evidence*, 14 March 2018, p.8.

142 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.8.

143 Ms Judi Childs, *Transcript of evidence*, 14 March 2018, p.8.

144 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.9.

145 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.9.

146 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, p.9.

147 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, p.9.



It is actually 11 available placements, which is quite significant. Then we talk about the career and development and retention program which occurred last year. So they are steps towards identifying talent. So the outcomes are increased numbers of people employed in the public service.¹⁴⁸

- 3.103 In response to a question from the Elected Body about the number of Aboriginal and Torres Strait Islander staff who were employed the Head of Service told the Elected Body that at the end of December 2017 there were 352 which was 'well short' of the target. She said that while the number had increased each year it did not increase as much as needed. She said that it had 'been quite a concern'.¹⁴⁹
- 3.104 When the Elected Body remarked that 'has got a bit of a stretch to it',¹⁵⁰ the Head of Service added that because of the need 'to provide whole-of-service support to directorates' there was a focus was on the traineeship program and increasing the number in the graduate program. She said that they tried to look at how more people could be attracted to that program and then retained. She said that was why they had 'looked at those programs' as well as the Inclusion program and at mentoring within CMTEDD. She stated:
- We have tried to identify at each stage the strategic framework so that we can put in place to support each directorate to achieve those targets. Despite that, we are improving, but we are still lagging behind. It is a constant issue for me as to what is a new way of looking at this that can help us cut through.¹⁵¹*
- 3.105 The Executive Director, Corporate then added that of the 29 staff in the directorate who identified as Aboriginal and Torres Strait Islanders, one was in the SES and nine were senior officers and that this was 'a higher proportion than for the rest of the staff within the directorate.' The Executive Director also said that while there was more work to do and the overall numbers needed to be improved 'the classifications at which people are sitting is a positive'.¹⁵²
- 3.106 The Elected Body also expressed interest in finding out about the representation of Aboriginal and Torres Strait Islander people in official positions on ACT Government boards and committees.¹⁵³
- 3.107 The Head of Service offered to take the question on notice, but pointed out that Community Services Directorate (CSD) had responsibility for 'all government boards and committees'. She explained that CSD was 'currently developing a diversity register to enable people to put themselves forward so that when the government is seeking to fill positions on boards and committees we will have up to date information about who is available and what the relevant skills are to the particular board'. She said that she understood that CSD was hoping to launch it by the end of March.¹⁵⁴
- 3.108 She also explained that when any minister brings an appointment to a board or committee to cabinet, they are required to report on the impact on the number of Aboriginal and Torres Strait Islander members that are then reflected on that board and committee as a consequence of that appointment, regardless of the board or committee's responsibility.¹⁵⁵

148 Ms Meredith Whitten, *Transcript of evidence*, 14 March 2018, p.9.

149 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.10.

150 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.10.

151 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.10.

152 Mr Robert Wright, *Transcript of evidence*, 14 March 2018, p.10.

153 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.32.

154 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.32.

155 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, pp.32–33.



3.109 According to the Head of Service:

When there are particular responsibilities of a board, there will be focused advertising for that board. Koori Mail, for example, might be used to make sure we have reached out as far as possible to ensure that everyone who might be appropriate to put themselves forward for that position is aware of it. I understand that currently the number of Aboriginal and Torres Strait Islander members of boards and committees is at 1.6 per cent, and that excludes the Elected Body.¹⁵⁶

Frontline service delivery and knowledge of Aboriginal and Torres Strait Islander programs and services

3.110 During the hearing the Elected Body asked directorate representatives about the frontline customer service provided by Access Canberra and Shared Services and the extent to which this was supported by a knowledge of, or access to information about, Aboriginal and Torres Strait Islander programs and services.¹⁵⁷

3.111 In his response the Deputy Director-General, Access Canberra told the Elected Body that Access Canberra was currently 'unpicking a lot of the averages that we have used to drive our service model'. He explained that this has led them to realise that some groups of clients had 'not benefited from the same uplift or increase in transactions that are online' as much as others and that in the coming months Access Canberra would be consulting with various groups.¹⁵⁸

3.112 The Elected Body also heard that while not all Access Canberra staff had 'the most recently settled cultural awareness training' they undergo a more extensive training of RED as part of the induction program and this includes the diversity of the client groups that visit Access Canberra every day.¹⁵⁹

3.113 When the Elected Body asked how many Access Canberra staff had undertaken Aboriginal and Torres Strait Islander cultural awareness training the question was taken on notice.¹⁶⁰

3.114 The response to this Question Taken on Notice advised:

Accurate records of the number of staff who have completed cultural training in Access Canberra are not available. Access Canberra would like to have more people trained and are actively looking at alternatives for operational staff.¹⁶¹

3.115 During the discussion the Deputy Director-General, Access Canberra told the Elected Body that of the 600 or 700 lines of business that Access Canberra transacts, a service delivery approach driven by averages is not necessarily delivering good outcomes for different groups, including Aboriginals and Torres Strait Islander people.¹⁶²

3.116 When speaking, he referred to the vulnerable person registration process as an example. He said that not everyone who visits Access Canberra presents the same type of birth certificate and passport and that these were the cardinal documents required for the registration process. He explained how Access Canberra had trained its team to be much more flexible and to work with people who perhaps do not have a birth certificate to create that originating documentation and support them through the registration process.¹⁶³

¹⁵⁶ Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.33.

¹⁵⁷ ATSIAB, *Transcript of evidence*, 14 March 2018, pp.15–16; 27–30.

¹⁵⁸ Mr Dave Pepper, *Transcript of evidence*, 14 March 2018, p.27.

¹⁵⁹ Mr Dave Pepper, *Transcript of evidence*, 14 March 2018, p.27.

¹⁶⁰ Mr Dave Pepper, *Transcript of evidence*, 14 March 2018, p.27.

¹⁶¹ Response to Question Taken on Notice No. 17 at hearings of 14 March 2018.

¹⁶² Mr Dave Pepper, *Transcript of evidence*, 14 March 2018, p.27.

¹⁶³ Mr Dave Pepper, *Transcript of evidence*, 14 March 2018, p.28.



- 3.117 He also told the Elected Body however that since Access Canberra is 'the regulator' it has to be careful about the role it plays in supporting people through that process. He said a common step taken is to put Aboriginal and Torres Strait Islander clients who are struggling through that process in touch with support services such as Winnunga or others.¹⁶⁴
- 3.118 During the discussion the Deputy Director-General advised that Access Canberra did not currently have an Aboriginal and Torres Strait Islander customer service strategy but a strategy would be framed up as part of the community engagement process. He went on to explain however that Access Canberra did have 'an accountability commitment' that outlined the expectations about how team members 'deal with members of the public and how we will enforce the law for the protection of the community'.¹⁶⁵
- 3.119 In response to a question from the Elected Body about whether Access Canberra measured the reach of its service by the number who use the service or those who are 'missing', the Deputy Director-General advised that Access Canberra did not 'specifically capture who is not accessing our services' but said that he thought those numbers were 'reasonably low'. He explained that Access Canberra had 'a very extensive inspection program' and that it does 'well over 100,000 inspections of thousands of businesses, thousands of community groups.' He went on to say that Access Canberra also had 'not done a great deal of thinking about those people who perhaps are not registered with us in any way or licensed at all but who could be missing out on services because of that'.¹⁶⁶
- 3.120 The Elected Body was also interested to find out about the knowledge that Access Canberra staff had of Aboriginal and Torres Strait Islander services and programs, and whether its data systems included information about Indigenous-specific services in Canberra to refer people to.¹⁶⁷
- 3.121 The Deputy Director-General advised the Elected Body that the knowledge system used by Access Canberra is called CRM and that it has tens of thousands of pages of information for use right across the ACTPS. He said that an emphasis was placed on having a 'no wrong door' approach to government, and that staff at any contact centre or shopfront are able to quickly access CRM to provide information about services. He also said that he was confident that it covers Aboriginal and Torres Strait Islander programs in the ACT. He explained that Access Canberra works very closely with all directorates and he was confident that Access Canberra did a pretty good job in providing a service given the volume of its work.¹⁶⁸
- 3.122 In response to a question asked by the Elected Body about how Shared Services enables all staff to be informed about servicing Aboriginal and Torres Strait Islander citizens, the Under Treasurer said that Shared Services '... is an internal service provider to the ACT Government. We do not provide services directly to the citizenry of the ACT'.¹⁶⁹
- 3.123 The Elected Body voiced its concern that if someone internally rings Shared Services for information on Aboriginal and Torres Strait Islander matters, that they tend to get referred to OATSIA 'regardless of what the question is'. The Elected Body said that it was concerned that the staff who were contacted apparently 'do not actually understand how Aboriginal and Torres Strait Islander policies and programs run anywhere else' in the ACTPS.¹⁷⁰

164 Mr Dave Peffer, *Transcript of evidence*, 14 March 2018, p.28.

165 Mr Dave Peffer, *Transcript of evidence*, 14 March 2018, p.28.

166 Mr Dave Peffer, *Transcript of evidence*, 14 March 2018, p.29.

167 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.29.

168 Mr Dave Peffer, *Transcript of evidence*, 14 March 2018, pp.29–30.

169 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.15.

170 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.16.



3.124 The Under Treasurer said in his response that he suspected ‘that is right’ as it is ‘more of a generic service’ but he agreed to take the question on notice.¹⁷¹

3.125 The response to this Question Taken on Notice advised among other things that:

The purpose of the Shared Services Service Desk is to support ACT Government employees in relation to queries and requests related to finance, HR and ICT services provided by Shared Services.

3.126 The response to the Question on Notice also outlined how Shared Services responded to requests for different types of information on Aboriginal and Torres Strait Islander affairs.¹⁷²

Economic assessments by ACT Treasury

3.127 The Elected Body was interested in learning about the Aboriginal and Torres Strait Islander data that ACT Treasury considers when undertaking economic assessments and providing advice.¹⁷³

3.128 The Under Treasurer explained that when providing ‘general economic advice, we probably do not do a lot of specific Aboriginal and Torres Strait Islander data, because at a general economic macro level it is difficult to get’. He said that given the size of the ACT, population economic statistics had a higher degree of uncertainty than the rest of the country. In addition, he said that the Aboriginal and Torres Strait Islander community comprised about two per cent of the entire ACT community, so the population was small.¹⁷⁴

3.129 During discussion the Under Treasurer explained that Treasury did not generally use Aboriginal and Torres Strait Islander data ‘across the board’ and that ‘each directorate does that for themselves’. However he advised that Treasury occasionally does ‘deep dive evaluations of particular programs’. He said that while he didn’t think they have had one ‘particularly focused on the Indigenous community in recent years’ he would take that question on notice.¹⁷⁵

3.130 The response to this Question Taken on Notice advised among other things that ACT Treasury ‘regularly participates in program and policy reviews across government, in both leading and supporting roles’. The response specifically referred to the *Our Booris, Our Way* review which it said ‘comprises an in depth analysis of all children and young people in contact with child protection’.¹⁷⁶

3.131 During the discussion the Under Treasurer told the Elected Body that in providing advice to Cabinet on budget and spending proposals, ACT Treasury did:

... identify proposals that have an impact on the Aboriginal and Indigenous community. We give an assessment ... we have a look at what the proposal is about and we make judgements about who the likely impact group is going to be, based on our knowledge of the communities.’¹⁷⁷

3.132 The Under Treasurer also said that:

... in thinking of issues like mental health, health services, family services and those sort of services, our judgement will be that that will probably have a potentially bigger impact

171 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.16.

172 Mr David Nicol, Response to Question Taken on Notice No. 7 at hearings of 14 March 2018, signed 9 April 2018.

173 ATSIEB, *Transcript of evidence*, 14 March 2018, p.16.

174 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.16.

175 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.17.

176 Mr David Nicol, Response to Question Taken on Notice No. 8 at hearings of 14 March 2018, signed 9 April 2018.

177 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.17.



*on the Indigenous community, so we have a look at it from that perspective. We also ask directorates to identify proposals that have specific Indigenous impacts, as part of the business case.*¹⁷⁸

- 3.133 When the Elected Body asked whether in preparing a business case, there is a segment that asks directorates to articulate the client base that might be Aboriginal, the Under Treasurer assured the Elected Body that this 'is part of our triple bottom line assessment.' When asked whether that includes 'What closing the gap targets it impacts and those sorts of things?', he said he would take the question on notice.¹⁷⁹
- 3.134 The Elected Body explained that:
- The question is really ... the target impact you are trying to have for Aboriginal and Torres Strait Islander people when you do those assessments. When do you want to see that information, and why?*¹⁸⁰
- 3.135 The Under Treasurer responded: 'We ask it on every proposal that comes forward.' He said that Treasury tries to get directorates 'to produce data to support their proposals' and that a proposal 'that is obviously based on an evaluation, a report or some sort of inquiry, will often have a much better chance of supporting evidence to get supported in the cabinet process'.¹⁸¹
- 3.136 The Elected Body asked about the Treasury staff who were Aboriginal and Torres Strait Islanders and had experience particularly with the local community 'so that they are informed and able to judge things'.¹⁸²
- 3.137 The Under Treasurer replied that while staff 'participate in general cultural awareness training' he would take on notice the question about the number of staff who are Aboriginal people and have exposure to the community. He went on to explain that he encouraged his staff 'to know their subject areas' and that involves 'understanding their programs and activities'.¹⁸³
- 3.138 When the Elected Body asked the Under Treasurer about the consideration that was given to qualitative data, he said that ACT Treasury did consider the 'qualitative aspects of proposals.' He said it was 'not always an exact science' but there was an effort within the bureaucracy to get much more evidence-based policy into proposals so that resources can be directed most effectively.¹⁸⁴
- 3.139 The Under Treasurer also said that ACT Treasury had engaged with the Elected Body in each Budget for the 'last four or five years'.¹⁸⁵
- 3.140 When asked whether Treasury officials 'come to the Elected Body with the packages that are being considered or at the stage when requests for ideas come up', the Under Treasurer explained that in discussing the budget with the Elected Body he and the executive director of the finance and budget division had 'met with the body for a couple of hours in each budget, early in the budget process, to outline the process, to answer any questions about how it works, to give you our advice on how you can best influence the directorates. It is the directorates who build the business cases that go to cabinet ... it is about process, not about individual proposals'.¹⁸⁶

178 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.17.

179 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.18.

180 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.18.

181 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.18.

182 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.18.

183 Mr David Nicol, *Transcript of evidence*, 14 March 2018, pp.18–19.

184 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.19.

185 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.19.

186 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.19.



- 3.141 The Under Treasurer also went on to say that for ‘the last three or four budgets’ an Indigenous-specific process had been used where all proposals that are really Indigenous focused ‘come up as one package.’ He explained that ‘Treasury takes the lead in terms of setting out the instructions, and then directorates need to make context’.¹⁸⁷
- 3.142 When asked by the Elected Body whether Indigenous proposals were ‘strategy driven’ or whether ‘each directorate operates individually’ and then all proposals are ‘progressed together’, he explained that it is ‘a mixture of both.’ He said that while ‘there are individual proposals . . . that are not necessarily part of a core strategy’, sometimes ‘a strategy . . . evolves over time’. He went on to explain that the government had ‘strategy sessions, and committees have strategy sessions, early in the budget process, and try to identify the key needs through the process.’ In addition, he said that cross-directorate proposals are encouraged and ‘will get a more favourable look than proposals that sit out by themselves with no connection to anything else in government’.¹⁸⁸

Procurement

- 3.143 During the hearings the Elected Body asked a number of questions about the Aboriginal and Torres Strait Islander dedicated page on the website for business procurement. It asked how the business list that appears on the website is utilised, how many hits it has had, and what outcomes this has led to.¹⁸⁹
- 3.144 The Under Treasurer said that he would have to take on notice the question about the number of hits and the outcomes but said that it could be difficult ‘to judge whether we have had a successful procurement outcome with an Indigenous tenderer because of the website or because of other means. . . . We do not ask tenderers whether that has had an influence on whether they bid or whether they won a contract’.¹⁹⁰
- 3.145 The response to this Question Taken on Notice advised among other things that:

The dedicated website page has had 2,817 hits since it was set up in August 2015.

The dedicated website page and the list of businesses are raising awareness within government and externally of the government’s commitment to support Aboriginal and Torres Strait Islander businesses and how to access those businesses. Beyond awareness raising, it is not possible to determine the outcomes of listing the businesses on the procurement website.¹⁹¹

- 3.146 When the Elected Body asked during the discussions at the hearing how Aboriginal and Torres Strait Islander businesses are made aware of the website the Under Treasurer replied:

I do not think we do any specific work. That is one area I want to focus on in terms of procurement, I think we need to work on our demand side: how we do our tendering processes, how we assess bids from Indigenous companies, and how we remove any unconscious or conscious bias in that process and level the playing field. Then, on the other side, a program of work I want to get underway is on how we can improve the capability of Indigenous businesses to be competitive in putting a tender up. We are only at the start of that journey, I think it is fair to say. It is a journey I want to take not only with the Indigenous businesses but also with other local businesses, because I want them both to compete more effectively.¹⁹²

¹⁸⁷ Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.20.

¹⁸⁸ Mr David Nicol, *Transcript of evidence*, 14 March 2018, pp.20–21.

¹⁸⁹ ATSIIEB, *Transcript of evidence*, 14 March 2018, p.21.

¹⁹⁰ Mr David Nicol, *Transcript of evidence*, 14 March 2018, pp.21–22.

¹⁹¹ Mr David Nicol, Response to Question on Notice No.12 at hearings of 14 March 2018, signed 9 April 2018.

¹⁹² Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.22.



- 3.147 As to the Elected Body's question about the number of businesses that are listed on the website, the Under Treasurer said that he would take the question on notice, but went on to say:

*We are a member of Supply Nation. We are encouraging directorates ... to identify Indigenous businesses where they can and, if they are going for tender processes, to be aware that Indigenous businesses are out there and should be involved in those processes. We are looking at ways to formalise that beyond just communications and messages to procurement officers in directorates. We are looking at what it means for our formal frameworks for assessing tenders and our processes for assessing tenders from Indigenous businesses.*¹⁹³

- 3.148 The response to the above mentioned Question Taken on Notice advised among other things that:

*There are 126 businesses registered or certified with Supply Nation currently listed on the webpage. One Aboriginal and Torres Strait Islander business is also listed as this business contacted Procurement and asked to be included, although it is not registered or certified with Supply Nation. Agencies are advised to conduct their own due diligence to confirm businesses' credentials where they are not certified or registered with Supply Nation.*¹⁹⁴

- 3.149 The Under Treasurer also said during the hearing that ACT Treasury was looking at what was being done in other jurisdictions, but another jurisdiction's ideas are not simply adopted 'without thinking about it'.¹⁹⁵

Capital works projects

- 3.150 In the hearings of 14 March 2018, the Elected Body indicated that it wanted to 'test' some building projects that are referred to in CMTEDD's *Annual Report 2016–17* that 'are either specifically for Aboriginal and Torres Strait Islander people or have made some claims around Aboriginal and Torres Strait Islander outcomes'. The Elected Body said that it was particularly interested in three projects: the Ngunnawal Bush Healing Farm; Dhulwa Mental Health Unit building project; and the University of Canberra Hospital building project.¹⁹⁶
- 3.151 In relation to the Ngunnawal Bush Healing Farm, the Elected Body said it was 'keen to understand what the direct economic impact of that procurement or build for Aboriginal and Torres Strait Islander people was, either through direct employment or businesses contracted'. In reply, the Under Treasurer explained that the building was completed before the function came under his stewardship and that it had been 'commissioned through the Health Directorate'.¹⁹⁷
- 3.152 The Elected Body however then pointed out that the project appeared in CMTEDD's annual report.¹⁹⁸
- 3.153 The Under Treasurer acknowledged that he was aware of that — he said that although his staff were the builders 'they do not necessarily do the analysis of the impact on clients'. In discussion, he clarified that they do not look at the procurement outcomes of the contract and their job 'is essentially to take work

193 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.22.

194 Mr David Nicol, Response to Question Taken on Notice No.12 at hearings of 14 March 2018, signed 9 April 2018.

195 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.23.

196 The CMTEDD *Annual Report 2016–17* reported that Output 8.1 Procurement and Capital Works 'delivered two ACT Health Capital works projects in 2016–17 which required the contractors to maintain and implement an Aboriginal Participation Plan being: the Ngunnawal Bush Healing Farm (project budget \$11.731 million) which was completed in December 2016. In October 2015, 5 per cent of the staff delivering the facility recognised themselves as Indigenous; [and] the contractor for the Dhulwa Mental Health Unit (project budget \$46.691 million) worked with Koori Habitat Canberra to facilitate placement of Aboriginal workers with subcontractors and also within their own project team. Prior to the facility becoming operational in November 2016, approximately 15 Indigenous workers were employed on the Dhulwa Mental Health Unit project'. The annual report also stated that: '... the University of Canberra Public Hospital head contractor has set a target of 10,000 worker hours on the site to be provided by Indigenous staff. During the course of 2017 the contractor employed 448 indigenous trainees and 240 Indigenous apprentices which equates to 7,568 worker hours'. CMTEDD *Annual report 2016–17* vol. 1, pp.61; 62. See: www.cmd.act.gov.au/functions/publications/2016-17annualreport [accessed 14 June 2018].

197 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.23.

198 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.23.



commissioned by directorates and deliver that ... [as] a project manager'. He said that whether they would be managing for outcomes for Indigenous people 'depends' on the specifications. He said that he would take the Elected Body' question on notice as he did 'not have personal knowledge of how that was specified'.¹⁹⁹

3.154 In response to questions about the Dhulwa Mental Health Unit building project, the second project referred to by the Elected Body the Under Treasurer said: 'Again, Health would be the sponsoring directorate'.²⁰⁰

3.155 The Elected Body responded by pointing out that since the achievements of the project were cited in CMTEDD's annual report they were reporting on the outcomes and that someone in the directorate understands them.²⁰¹

3.156 When The Under Treasurer explained: 'Again, we deliver a project on behalf of our client in that respect', the Elected Body replied:

*... but you report the outcomes ... someone in the directorate is responsible for what detail is put into the annual report.*²⁰²

3.157 The Elected Body referred specifically to information contained in the directorate's annual report stating that '15 jobs were achieved for Aboriginal and Torres Strait Islander people on the project'. The Elected Body asked how long the jobs were for and in what capacity. It soon after explained that it also wanted 'to know about direct employment and business contracts' on this project and on the other as well.²⁰³

3.158 The Under Treasurer agreed to take the question on notice, saying, 'We will be able to answer specific questions on who was employed on the project to deliver it'. However he said that he could not answer questions about 'the impact on the community or service delivery'.²⁰⁴

3.159 The Elected Body emphasised:

*Those two things have an economic impact on our community. That was a \$47 million building project. It is a specific Aboriginal building. I want to understand out of that \$47 million, what the direct economic benefit, through either employment or Indigenous businesses, of that build was.*²⁰⁵

3.160 The Elected Body then referred to the third project, the University of Canberra Hospital building project, which it said was also referred to in the CMTEDD annual report. The Elected Body pointed out that the annual report stated that the project had 448 trainees and 240 apprentices with a target of 10,000 work hours and it said that this 'equates to actually six, at best, full-time jobs'. It noted that it wasn't clear where the number of 448 trainees came from. It queried whether they were all Aboriginal and Torres Strait Islander people on that project. The Elected Body said that the number of individual apprentices and trainees appeared high for that building as well.²⁰⁶

3.161 The Under Treasurer agreed to obtain the information to clarify 'what that means and what it means in terms of Indigenous employment'. He also said that 'on these projects much of the employment is through contractors or subcontractors. It is some way down the chain. I just make that point because it is not our direct employment'.²⁰⁷

199 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.24.

200 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.24.

201 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.24.

202 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.24.

203 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.24.

204 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.24.

205 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.24–25.

206 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.25.

207 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.25.



- 3.162 The Head of Service then advised that contractors are required 'to report on that' and agreed with the Elected Body that the data would be 'somewhere'.²⁰⁸
- 3.163 The Under Treasurer assured the Elected Body that: 'We will have the data' however he cautioned that 'even though we do require reporting, the quality of that reporting is sometimes difficult. It is a matter of identification et cetera. We will have the data and I will provide it'.²⁰⁹
- 3.164 The responses to the Questions Taken on Notice about the three building projects which are referred to above are summarised below.
- 3.165 The response to the Question Taken on Notice in relation to the Ngunnawal Bush Healing Farm advised as follows:
- This project required the Head Contractors to maintain an Aboriginal Participation Plan which includes the measurement of outcomes on the project in relation to efforts to employ people who identify as Aboriginal and Torres Strait Islander (ATSI).*
- The Head Contractor for the construction of the Ngunnawal Bush Healing Farm directly employed three people who identified as ATSI. Data on the number of ATSI-owned businesses contracted was not collected for this project. The Head Contractor reported monthly on the number of ATSI workers they directly employed.*²¹⁰
- 3.166 The two responses to the Questions Taken on Notice in relation to the Dhulwa Mental Health Unit building project are summarised below.
- 3.167 The first response provided a table which summarised 'the duration of employment and role of workers on the Dhulwa project who identified as Aboriginal and Torres Strait Islander'. According to the information that was tabulated in the response, 17 Aboriginal and Torres Strait Islander workers were employed on the project, the majority of whom were a 'qualified tradesperson'. In the response, data on duration of employment ranging from two to 11 months were provided for 14 of the 17 Aboriginal and Torres Strait Islander workers.²¹¹
- 3.168 The second response was provided to answer the Question Taken on Notice about 'the direct economic benefit, through employment or Indigenous businesses' of the Dhulwa Mental Health Unit building project. The response to this Question Taken on Notice advised as follows:
- This project required the Head Contractors to maintain an Aboriginal Participation Plan which includes the measurement of outcomes on the project in relation to efforts to employ people who identify as Aboriginal and Torres Strait Islander.*
- Each sub-contractor was requested to report evidence of opportunities provided for Aboriginal and Torres Strait Islander participation at Tender stage. This resulted in 12 of 43 companies having Aboriginal and Torres Strait Islander worker representation on the project. The data relating to the direct economic benefit of the project to individuals or Aboriginal and Torres Strait Islander businesses is not available.*²¹²
- 3.169 The response to the Question Taken on Notice in relation to the University of Canberra Hospital building project advised among other things that:

208 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.26.

209 Mr David Nicol, *Transcript of evidence*, 14 March 2018, p.26.

210 Mr David Nicol, Response to Question Taken on Notice No.13 at hearings of 14 March 2018, signed 10 April 2018.

211 Mr David Nicol, Response to Question Taken on Notice No.14 at hearings of 14 March 2018, signed 9 April 2018.

212 Mr David Nicol, Response to Question Taken on Notice No.15 at hearings of 14 March 2018, signed 9 April 2018.



At the commencement of construction, the Head Contractor set a target to achieve 10,000 worker hours on the University of Canberra Hospital project to be provided by workers who identify as Aboriginal and Torres Strait Islander. In the reporting period of April/May 2017 the Head Contractor reported that 448 and 240 hours worked on the project were provided by Indigenous Trainees and Apprentices respectively.

The actual hours of indigenous [sic] employment achieved against this target at the completion of the project was 9,616 hours. Data associated with the composition of those hours was not collected.

For this project the Head Contractor agreed to establish a best endeavours target on the number of work hours provisioned by Indigenous workers and to collect data against this best endeavours target.²¹³

Matters considered — Economic Development

3.170 Matters considered by the Elected Body over the course of the hearings in relation to economic development included:

- Aboriginal and Torres Strait Islander economic and business strategies
- Boomanulla Oval
- events
- arts, culture and the Aboriginal and Torres Strait Islander Cultural Centre
- sport and recreation — infrastructure and grants.

Aboriginal and Torres Strait Islander economic and business strategies

- 3.171 During the hearing on 14 March 2018, in relation to economic development the Elected Body asked questions about the directorate's commitments to provide funding for shaping supported pathways into existing programs and activities to foster entrepreneurship for Aboriginal and Torres Strait Islander people. The Elected Body expressed interest in knowing how this was being done, what funding had been allocated, what the measures for success were, and whether there were priority or target sectors for funding.²¹⁴
- 3.172 The Deputy Director-General, Enterprise Canberra spoke to the Elected Body about the Indigenous Enterprise Development Program for which \$100,000 was allocated per annum for two years. She referred to the selection of Yerra to run the first project, called the ACT Aboriginal and Torres Strait Islander business development and entrepreneurship program, for one year, with the option of extending it for another year.²¹⁵
- 3.173 The Deputy Director-General said she thought it was an exciting project particularly since it was being delivered by Dion Devow, the ACT Australian of the Year. She said that the aim of the project was to deliver education, training and mentoring services to Aboriginal and Torres Strait Islander businesses and entrepreneurs, in conjunction with CIT and working with the CBR Innovation Network. She said that the intention was not just to provide generic skills for businesses, but to help Aboriginal and Torres Strait Islander people to develop a business that was 'ongoing'.²¹⁶

213 Mr David Nicol, Response to Question Taken on Notice No.16 at hearings of 14 March 2018, signed 11 April 2018.

214 ATSIEB, *Transcript of evidence*, 14 March 2018, p.31.

215 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.31.

216 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.31.



- 3.174 The Deputy Director-General also told the Elected Body that the 'first yarning circle' was held on 10 February and that 35 people attended to look mainly at accounting, intellectual property and entrepreneurship. She said that another workshop was held in late February on digital marketing.²¹⁷
- 3.175 In response to a question from the Elected Body concerning specific measures of success for the program the Deputy Director-General agreed to follow them up or provide them out of session.²¹⁸
- 3.176 In regard to sectors where there may be greater success, the Deputy Director-General explained that they were looking to provide basic level skills to 'as broad a variety of businesses as possible'. She said that 'it is a very broad range, and we are not limiting it at this point'.²¹⁹

Boomanulla Oval

- 3.177 In the hearings on 14 March 2018, the Elected Body asked various questions about the Boomanulla Oval tender that was released in June 2016 and asked when the process would be completed.²²⁰
- 3.178 The Deputy Director-General, Enterprise Canberra told the Elected Body that she could not comment in detail at the time because of the tender and probity issues, but said that they were currently working through with Winnunga, the preferred tenderer at that stage, about what the next steps in the process will be.²²¹
- 3.179 When asked whether 20 months was 'an unusual period of time for that process to run' the Deputy Director-General explained that she had only been in the ACT Public Service for nine months, but for the ones that she had come across and for a project of that scale it wasn't unusual. She said that since the area had cultural significance, and had potential in terms of what the future of that area might be, it was not a simple matter. She said because of the importance of the project, investing additional time during the planning stage could lead to a better outcome.²²²

Events

- 3.180 The Elected Body also asked directorate officials questions about the whole-of-government reconciliation event that was being hosted on 28 May 2018 to celebrate Reconciliation Day.²²³
- 3.181 With regard to this, the Elected Body heard that a 'very community and family-oriented event' would be held in Glebe Park. The Deputy Director-General, Enterprise Canberra told the Elected Body that detailed planning had not been undertaken at that stage due to delays in recruiting an event manager, but consideration was being given to other options. She explained that once the event manager was 'on board' a working group would be set up together with the Elected Body and a few other representatives. She said that thought was being given on how to provide 'an atmosphere where people can come together and look at what is being done really well in terms of reconciliation within the ACT'. She said it is about 'how we have a wide range of offerings for food and entertainment, and particularly how we feature local talent'.²²⁴
- 3.182 The Elected Body also asked questions about the ACT events policy including how it was inclusive of traditional owners and Aboriginal and Torres Strait Islander people.²²⁵

217 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.31.

218 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.32.

219 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.32.

220 ATSIEB, *Transcript of evidence*, 14 March 2018, p.41.

221 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.41.

222 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.41.

223 ATSIEB, *Transcript of evidence*, 14 March 2018, p.33.

224 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.33.

225 ATSIEB, *Transcript of evidence*, 14 March 2018, p.41.



- 3.183 The Deputy Director-General then informed the Elected Body that the directorate wanted to promote Indigenous performance and art within its general approach to events. She said that the directorate was looking at ways to promote more local performers at its events, not just Aboriginal and Torres Strait Islander performers. She said it was also considering how to bring art 'into all of the events, and because we are so proud of all our Indigenous artists, how we can bring that in more'.²²⁶
- 3.184 She also said that in considering the plan for community events the next year, attention was being given to how events can be made much more inclusive of the Canberra experience. She said that she hoped that over the next 12–18 months there would be a significant improvement, because all events, including Floriade and Enlighten, were being rethought 'to see how we can make them more Canberra'.²²⁷
- 3.185 When asked about the directorate's position regarding the role that that traditional owners play at the opening of events like the National Multicultural Festival the Deputy Director-General said:

*Multicultural is not one of mine. That is CSD. I will come back with how we can have a better way of doing this. I do not think we have a written policy, but I hope you have the view, from the conversation so far, that we are looking at how we can do things better ...*²²⁸

Arts, culture and the Aboriginal and Torres Strait Islander Cultural Centre

- 3.186 During the hearings of 14 March 2018, the Elected Body asked directorate representatives questions about the Aboriginal and Torres Strait Islander Cultural Centre, and in particular why it did not have any funding for arts or cultural operations.²²⁹
- 3.187 In her response the Deputy Director-General, Enterprise Canberra said that she did not have 'any direct line of sight' into how the Aboriginal and Torres Strait Islander Cultural Centre was funded. When asked specifically why artsACT did not provide any funds for cultural programs at the cultural centre, she said that she would take the question on notice. However, she went on to explain that artsACT did not fund all of the arts in the ACT, but tended to fund arts that are not otherwise funded, and that the cultural centre could be getting funds through another part of government. She said she would try to find out, but just didn't know.²³⁰
- 3.188 The Deputy Director-General also told the Elected Body during discussions, that while art facility upgrades were the responsibility of artsACT, Yarramundi was not one of its facilities. When asked why responsibility for Yarramundi does not sit with artsACT, she said that she did not know but she suspected that 'as lots of government things, it is historical'.²³¹
- 3.189 The Elected Body noted a commitment that had been made in the directorate's RAP relating to the markets out at the cultural centre site, and asked how the markets were resourced and managed. The Deputy Director-General took the question on notice and the Head of Service advised that she thought it was managed internally by OATSIA.²³²
- 3.190 When the Elected Body said again that it was included in the directorate's RAP the Deputy Director-General acknowledged that it was in the RAP and said that she would follow it up.²³³

226 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.41.

227 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.42.

228 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, pp.42–43.

229 ATSIEB, *Transcript of evidence*, 14 March 2018, p.43.

230 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.43.

231 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, pp.43–44.

232 Ms Kathy Leigh, *Transcript of evidence*, 14 March 2018, p.35.

233 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, pp.35–36.



Sport and recreation—infrastructure and grants

- 3.191 During the hearing the Elected Body inquired about the directorate's strategic priorities for infrastructure in sport, such as ice sports and indoor facilities in Woden, Gungahlin and Belconnen. It was interested to hear if the Woden region needed an indoor sports venue and whether Boomanulla Oval had been considered as a site for facilities.²³⁴
- 3.192 The Deputy Director-General, Enterprise Canberra told the Elected Body that a consultant was currently looking at potential options for indoor facilities and is still talking to the different sporting codes about 'what their needs are'. She said that with the ice rink, consultation 'is still very much underway'.²³⁵
- 3.193 When asked about engagement of the Aboriginal and Torres Strait Islander community in those indoor sports facilities reviews, the Deputy Director-General said that she would take the question on notice.²³⁶
- 3.194 In the hearings on 14 March 2018, the Elected Body also asked directorate officials questions about the sports grants that were provided through the Indigenous Advancement Strategy.²³⁷
- 3.195 With regard to the number of recipients, the Elected Body heard that small grants focused on \$200 towards registration and membership of the sports, but in the last round there were only 288 applicants, so the model was changed to provide funding to individual associations. The Deputy Director-General said that was yet to open, so there were no outcomes at that stage.²³⁸
- 3.196 However, the Deputy Director-General did say however that a total of \$105,000 was initially available for expenditure through the partner program and various proposals had been funded totalling \$116,728. These were the AFL Kickstart program (\$13,000), Ainslie Football Club's Indigenous Pathway Program (\$5,700), the Guramaa Global Indigenous Corporation for Surfing (about \$26,000), the National Indigenous Basketball Academy, for pathways for Indigenous people (\$2,000), Ted Noffs, for Deadly Dreaming, (\$20,000), and the Winnunga Warriors Sporting Club, for basketball (just over \$4,000). She said that additional funds were provided for another two projects—Yeddung Mura, Good Pathways women's fitness program (about \$6,000), and Outward Bound Australia (just over \$3,500).²³⁹
- 3.197 When asked about measures of success for each of those programs, the Deputy Director-General said it would be 'around participation', but would look at the actual targets to see whether they have some and come back to the Elected Body about that.²⁴⁰
- 3.198 With regard to the change in focus of funding, the Deputy Director-General told the Elected Body that all of the sports had been contacted—rugby league, basketball, football, touch football, AFL, softball, netball, rugby union and athletics—and they were gearing themselves up to open up for winter registrations. She said that each of the codes was at a different stage of readiness.²⁴¹
- 3.199 When the Deputy Director-General was told that members of the community had telephoned one of the sporting codes but were informed that they didn't know what they were talking about, she said that she suspected it was 'more just a matter of timing'. She said that all of the sporting codes had been contacted again to make sure they could answer questions from the public.²⁴²

234 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.38.

235 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, pp.38–39.

236 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.39.

237 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.39.

238 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.39.

239 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.39.

240 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.40.

241 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.40.

242 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, pp.40–41.



- 3.200 The Elected Body asked additional questions about the Indigenous Sports Grants Program later in the hearing, because of concerns raised about the timing of the launch and because some providers were apparently not aware of the program guidelines.²⁴³
- 3.201 When asked why the program was launched the previous Tuesday, the Deputy Director-General said 'because many of the sports were ready to go'. She said it was meant to be for winter registrations, so it was reasonable to expect that the organisations would be ready when the registrations opened.²⁴⁴
- 3.202 When the Deputy Director-General expressed concern about hearing that one of the members of the Aboriginal and Torres Strait Islander community had been given advice on means testing, because she said it was just plain wrong. She indicated that if she could be told the name of the actual association out of session it would be followed up very quickly. She said that she would go back to the Active Canberra team and they will work out again how to go out and make sure that the associations are ready and that they do know the guidelines.²⁴⁵

Elected Body comment

Summary

Written responses

- 3.203 Written responses by CMTEDD to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.
- 3.204 In relation to CMTEDD's responsibility for the ACT Public Service workforce, information provided included various employment programs such as the Aboriginal and Torres Strait Islander Employment Traineeship Program; an Aboriginal and Torres Strait Islander Career Development Program; the ACTPS Aboriginal and Torres Strait Islander Employment Framework; and access of Aboriginal and Torres Strait Islanders to the mainstream ACTPS Graduate Program.²⁴⁶
- 3.205 In relation to CMTEDD's responsibility for VisitCanberra, information provided included promotion of local and Aboriginal and Torres Strait Islander culture and experiences through various communication channels including the Canberra and Region Visitors Centre; work by VisitCanberra on tourism projects with a focus on local Aboriginal culture; and opportunities to promote tours by Dharwa Tours through marketing channels.²⁴⁷
- 3.206 In relation to CMTEDD's responsibility for Skills Canberra, information provided included providing subsidised vocational education and training options for Aboriginal and Torres Strait Islander job seekers and existing workers; support for employment opportunities through traineeships and apprenticeships; and opportunities for ACT Adult Community Education (ACE) Grants.²⁴⁸
- 3.207 In relation to CMTEDD's responsibility for Events ACT, the information included planning and delivering a calendar of events that are inclusive of the broader community including Aboriginal and Torres Strait Islander people; and acknowledging and featuring Aboriginal and Torres Strait Islander culture in events where appropriate.²⁴⁹

243 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.44.

244 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.44.

245 Ms Kareena Arthy, *Transcript of evidence*, 14 March 2018, p.45.

246 CMTEDD response to ATSIIEB generic questions, December 2017, pp.1–2, 5.

247 CMTEDD response to ATSIIEB generic questions, December 2017, pp.2; 5; 16; 25.

248 CMTEDD response to ATSIIEB generic questions, December 2017, pp.2; 16; 21.

249 CMTEDD response to ATSIIEB generic questions, December 2017, pp.2–3.



- 3.208 In relation to CMTEDD's responsibility for artsACT, information provided included development and release of a draft *Aboriginal and Torres Strait Islander Arts Report*, forming an ACT Aboriginal and Torres Strait Islander Arts Network; and supporting access to and engagement in the arts.²⁵⁰
- 3.209 In relation to CMTEDD's responsibility for ACT Treasury, information provided included promoting accountability and transparency in the delivery of services; contributing to the Productivity Commission's Indigenous Expenditure Report; management of government resources and analysis and provision of advice and input to major initiatives; and management of annual budget consultations.²⁵¹

Responses in hearings

- 3.210 Matters which were considered in some detail in hearings are explored below:
- 3.211 In relation to cultural awareness training, questions included whether the training included Ngunnawal and/or traditional custodian content and whether it was delivered by a local provider; the number of training sessions that had or would be delivered in 2017–18; and inclusion of Aboriginal and Torres Strait Islander awareness in induction training.²⁵²
- 3.212 In relation to the employment of Aboriginal and Torres Strait Islander people, issues discussed included support of the ongoing welfare and wellbeing of trainees and employees; mentoring; a career development and retention program; engagement of Aboriginal and Torres Strait Islander staff on employment and personal development issues; responsibility for the staff network across the service; rebranding of the Aboriginal traineeship program as a vocational education program; career paths to senior management; and the creation of an Inclusion Champion position in CMTEDD.²⁵³
- 3.213 In relation to staff surveys, these included whether a staff survey had been conducted; a commitment in the directorate's RAP to survey staff awareness of the RAP; the conduct of an exit survey; and the separation rates of Aboriginal and Torres Strait Islander staff compared with all staff in the directorate and across the ACTPS and APS.²⁵⁴
- 3.214 In relation to ADAPT, these included how Aboriginal and Torres Strait Islanders were involved in the design of the program; whether the program has specific targets; and how the impact of ADAPT is measured.²⁵⁵
- 3.215 In relation to Aboriginal and Torres Strait Islander leadership in the ACTPS, issues discussed included the Leaders Learning program; how Aboriginal and Torres Strait Islander talent in the ACTPS is identified; the training and opportunities available for that talent; the Aboriginal and Torres Strait Islander employment framework and the target of having a minimum of 407 Aboriginal and Torres Strait Islander employees in the ACTPS by 2018–19; progress in reaching this target; the representation of Aboriginal and Torres Strait Islander people on ACT Government boards and committees; and the development of a diversity register.²⁵⁶
- 3.216 In relation to frontline service delivery and knowledge of Aboriginal and Torres Strait Islander programs and services, discussions included consultations to be undertaken by Access Canberra; the number of Access Canberra staff who had completed Aboriginal and Torres Strait Islander cultural awareness training; Access Canberra's 'knowledge system' and the information it contained; the knowledge of Shared Services staff of Aboriginal and Torres Strait Islander policies and programs; where people were referred if they called Shared Services about an Aboriginal and Torres Strait Islander matter.²⁵⁷

250 CMTEDD response to ATSIEB generic questions, December 2017, p.3; 6.

251 CMTEDD response to ATSIEB generic questions, December 2017, pp.3; 8; 18.

252 *Transcript of evidence*, 14 March 2018, pp.2–3; 14–15; 26; 36; 37.

253 *Transcript of evidence*, 14 March 2018, pp.3–6.

254 *Transcript of evidence*, 14 March 2018, pp.4; 7; 11; 14.

255 *Transcript of evidence*, 14 March 2018, pp.7–8.

256 *Transcript of evidence*, 14 March 2018, pp.8–10; 32–33.

257 *Transcript of evidence*, 14 March 2018, pp.15–16; 27–30.



- 3.217 In relation to economic assessments by ACT Treasury, questions were about the use made by Treasury of Aboriginal and Torres Strait Islander data; Treasury's involvement in 'deep dive' evaluations; the identification of Indigenous impacts in business cases; the consideration given to qualitative data; engagement with the Elected Body in the budget process; and how Indigenous proposals are developed.²⁵⁸
- 3.218 In relation to procurement, matters included the Aboriginal and Torres Strait Islander dedicated page on the website for business procurement — the number of hits on the page, utilisation of the business list on the website and the outcomes this has led to; the number of businesses listed; the tendering process and the assessment of tenders.²⁵⁹
- 3.219 In relation to capital works projects, matters discussed included the engagement of Aboriginal and Torres Strait Islander employees and businesses on three projects — the Ngunnawal Bush Healing Farm, Dhulwa Mental Health Unit building project, and the University of Canberra Hospital building project — and the economic impact of these projects; obligations on the Head contractor to provide data; and how these projects were referenced in the CMTEDD *Annual Report 2016–17*.²⁶⁰
- 3.220 In relation to Aboriginal and Torres Strait Islander economic and business strategies, discussions included the provision of funds for shaping pathways into existing programs and activities to foster entrepreneurship; the Indigenous Enterprise Development program; and measures of success for the program.²⁶¹
- 3.221 In relation to Boomanulla Oval, highlights included the timing of completion of the tender process; and that extra time taken in the planning stages usually leads to a better outcome.²⁶²
- 3.222 In relation to events, discussions included the Reconciliation Day event on 28 May 2018; the ACT events policy; opportunities to promote Indigenous performance and art; and the role of traditional owners in opening events like the National Multicultural Festival.²⁶³
- 3.223 In relation to arts, culture and the Aboriginal and Torres Strait Islander Cultural Centre, questions focused on the lack of funding for arts or cultural operations at the cultural centre; and responsibility for resourcing the management of the site and the Yarramundi Markets.²⁶⁴
- 3.224 In relation to sport and recreation — infrastructure and grants, matters discussed included the directorate's strategic priorities for infrastructure in sport; whether Boomanulla Oval had been considered as a site for facilities; the engagement of the Aboriginal and Torres Strait Islander community in indoor sports facilities reviews; sports grants; the funding provided for specific Aboriginal and Torres Strait Islander sports projects; measures of success for these programs; the timing of the launch of the Indigenous Sports Grants Program; and understanding of the Indigenous Sports Program guidelines.²⁶⁵

258 *Transcript of evidence*, 14 March 2018, pp.16–21.

259 *Transcript of evidence*, 14 March 2018, pp.21–23.

260 *Transcript of evidence*, 14 March 2018, pp.23–26.

261 *Transcript of evidence*, 14 March 2018, pp.31–32.

262 *Transcript of evidence*, 14 March 2018, p.41.

263 *Transcript of evidence*, 14 March 2018, pp.33; 41–43.

264 *Transcript of evidence*, 14 March 2018, pp.43; 44; 35–36.

265 *Transcript of evidence*, 14 March 2018, pp.38–41; 44–45.



Elected Body views and recommendations

- 3.225 A number of matters were brought to the attention of the Elected Body in the course of the hearings with representatives of the Chief Minister, Treasury and Economic Development Directorate which gave it cause for concern. These are outlined below.
- 3.226 During the hearing with directorate officials the Elected Body sought to clarify what outcomes had been achieved by various programs, services and initiatives. It is the view of the Elected Body that the success of all programs and services provided by government which assist Aboriginal and Torres Strait Islander people in the ACT should be measured by the outcomes they achieve. Accordingly, the Elected Body emphasised throughout the hearings that this was a common area of focus for all the questions it would pose to representatives of directorates and other agencies in attendance.
- 3.227 It is a matter of concern for the Elected Body that during the hearing with CMTEDD a number of questions regarding the outcomes of programs and services for Aboriginal and Torres Strait Islanders in the ACT could not be readily answered or answered to its complete satisfaction. The Elected Body is also concerned that, at the conclusion of the hearings, it remained unclear whether targets were set for some programs and whether they had been achieved. In addition, it is concerned that the target to employ a minimum of 407 Aboriginal and Torres Strait Islander people in the ACTPS by 2018–19 seems unachievable in light of progress to date, and it wonders why additional resources haven't been directed to ensure that this target was actually achieved. As well, the Elected Body is concerned about the way in which some programs and activities have been referenced in the CMTEDD *Annual Report 2016–17*.
- 3.228 For the Elected Body, a focus on outcomes requires the specification of measurable objectives for each program or service delivered, that realistic targets are set, that strategies are developed, implemented and appropriately resourced to achieve them, that appropriate performance indicators are developed, and that the progress and achievements of programs and services are measured accordingly.
- 3.229 It is the view of the Elected Body that this should occur across all directorates and agencies.
- 3.230 In light of the above, the Elected Body makes the following recommendation:

RECOMMENDATION 1

- 3.231 **The Elected Body recommends that all ACT Government directorates and agencies, to the extent that they have not already done so: (i) develop measurable objectives and set realistic targets for all programs and services that assist Aboriginal and Torres Strait Islander people; (ii) develop, resource and implement the strategies required to achieve these objectives and targets; (iii) ensure that appropriate monitoring and evaluation arrangements are put in place to enable the progress and achievements of programs and services to be assessed; and (iv) publish the results of these assessments in their annual reports.**
- 3.232 The Elected Body notes the efforts of CMTEDD, as reported in its response to the Elected Body's generic questions and in the course of the hearing, in relation to strategies to support the recruitment, retention and mentoring of Aboriginal and Torres Strait Islander people in the ACT Public Service.
- 3.233 However, it is the Elected Body's view that reaching the current target of employing a minimum of 407 Aboriginal and Torres Strait Islander people in the ACTPS by 2018-19 poses a significant challenge and is not likely to be reached unless additional resources are directed to achieve this. Such additional resources could be provided to expand existing programs and services, or to develop and implement additional targeted programs to recruit Aboriginal and Torres Strait Islanders, provide more training and development opportunities as well as more certain career paths.
- 3.234 In the light of this the Elected Body makes the following recommendation:



RECOMMENDATION 2

- 3.235 **The Elected Body recommends that the ACT Government provide additional resources to support the recruitment, retention and development of Aboriginal and Torres Strait Islander people in the ACT Public Service to ensure that the target of having a minimum 407 Aboriginal and Torres Strait Islander employees in the ACT Public Sector by 2018–19 is achieved.**
- 3.236 The Elected Body believes the view that the development and implementation of all programs, services and projects that are intended to assist Aboriginal and Torres Strait Islander people in the ACT should be informed by consultation with the Aboriginal and Torres Strait Islander community. The view of the Elected Body is that this is essential to ensure that the programs, services and projects that are developed, funded, delivered and implemented are appropriate to the needs and expectations of the Aboriginal and Torres Strait Islander community, help ensure the community's ownership and acceptance of the programs and services that are delivered, and maximise their likelihood of success.
- 3.237 The Elected Body has developed and published *Protocols for Working with Aboriginal and/or Torres Strait Islander Peoples*²⁶⁶ to guide engagement with the Aboriginal and Torres Strait Islander community in the ACT. It is the Elected Body's view that all directorates and agencies should use this document as a basis for developing appropriate engagement strategies.
- 3.238 In the light of this, the Elected Body makes the following recommendation:

RECOMMENDATION 3

- 3.239 **The Elected Body recommends that all directorates and agencies implement *Protocols for Working with Aboriginal and/or Torres Strait Islander Peoples* to guide their engagement with Aboriginal and Torres Strait Islander people in the ACT.**
- 3.240 The Elected Body notes that there was uncertainty and inconsistency in advice provided during the hearing regarding the inclusion of traditional custodian and Ngunnawal content in cultural awareness training that was delivered within the CMTEDD, and whether the training was delivered by a local provider. It is the view of the Elected Body that all directorates and agencies should ensure that the cultural awareness training that is delivered to their staff includes traditional custodian and Ngunnawal content, is informed by an understanding of the culture, circumstances and contemporary issues of interest to the local community, and is delivered by a local provider with appropriate knowledge and expertise.
- 3.241 The Elected Body reiterates the concern it expressed during the hearing with CMTEDD representatives that a local Aboriginal and Torres Strait Islander service provider had recently closed due to a lack of ongoing support.
- 3.242 For the Elected Body it is also critical that a knowledge and understanding of Aboriginal and Torres Strait Islander culture is used to inform the delivery of all mainstream and targeted government programs and services which assist Aboriginal and Torres Strait Islander people in the territory.
- 3.243 It is also the view of the Elected Body that Aboriginal and Torres Strait Islander culture should be given all due recognition—such as through the inclusion of Welcome to country and Acknowledgement of country and/or ceremonies and performances—at significant meetings and events.
- 3.244 In light of the above the Elected Body makes the following recommendations:

²⁶⁶ ACT Aboriginal and Torres Strait Islander Elected Body, *Protocols for Working with Aboriginal and/or Torres Strait Islander Peoples*, September 2015. See <http://atsieb.com.au/wp-content/uploads/2016/07/Protocols-for-working-with-Aboriginal-and-Torres-Strait-Islander-peoples.pdf> [accessed 9 August 2018].



RECOMMENDATION 4

- 3.245 **The Elected Body recommends that all directorates and agencies ensure that the cultural awareness training delivered to their employees, includes appropriate Ngunnawal and traditional custodian content, and that it is delivered by a local provider.**

RECOMMENDATION 5

- 3.246 **The Elected Body recommends that all directorates and agencies, to the extent they have not already done so, ensure that: (i) the delivery of all programs and services they provide or fund is culturally-competent; (ii) Aboriginal and Torres Strait Islander culture is appropriately recognised by their executive, management and staff in the course of their regular day-to-day business; and (iii) cultural performances by individuals and groups which are representative of the Aboriginal and Torres Strait Islander community in the Territory are included in all significant events as appropriate.**
- 3.247 The Elected Body recommends that all directorates and agencies ensure that the programs and services that they provide which assist Aboriginal and Torres Strait Islander people are culturally-competent, and that due recognition is given to Aboriginal and Torres Strait Islander culture. Including through the inclusion of Welcome to country and Acknowledgement of country and/or ceremonies and performances at significant meetings and events.
- 3.248 The Elected Body notes that the tender for the development of Boomanulla Oval was released in June 2016 and as at March 2018, almost two years later, the tender had not been awarded and the development work had not commenced. It notes that the ACT Government made a commitment for the development of Boomanulla Oval many years ago.
- 3.249 The Elected Body emphasises that the Boomanulla Oval site has particular significance for Aboriginal and Torres Strait Islander people in the ACT, and it is the view of the Elected Body that Boomanulla Oval should be community controlled and managed.
- 3.250 In light of the above the Elected Body makes the following recommendation:

RECOMMENDATION 6

- 3.251 **The Elected Body recommends that CMTEDD takes all steps necessary to ensure that the Boomanulla Oval development is expedited and that the oval is returned to Aboriginal and Torres Strait Islander community control and management.**
- 3.252 The Elected Body notes that significant funds have been invested in infrastructure and construction projects which require the participation of Aboriginal and Torres Strait Islander people and businesses.
- 3.253 However, discussions held with the representative of Property Group during the hearing, and the responses to questions taken on notice about the numbers of Aboriginal and Torres Strait Islander people employed, the duration of their employment, and the Aboriginal and Torres Strait Islander businesses that were engaged in three capital works projects—the Ngunnawal Bush Healing Farm; Dhulwa Mental Health Unit building project; and the University of Canberra Hospital building project—showed that there are gaps in the data reported. As a result it is not possible to discern with certainty whether the involvement of Aboriginal and Torres Strait Islander people and businesses is adequate and also what the economic benefit of these capital works projects are for the Aboriginal and Torres Strait Islander community.
- 3.254 In light of the above the Elected Body makes the following recommendations:

RECOMMENDATION 7

- 3.255 **The Elected Body recommends that the Chief Minister, Treasury and Economic Development Directorate ensure that Aboriginal and Torres Strait Islander people and businesses are adequately involved in capital works projects in the territory, and that the economic impact of these projects for the Aboriginal and Torres Strait Islander community is demonstrated.**

4 CANBERRA INSTITUTE OF TECHNOLOGY



Introduction

- 4.1 Officials of the Canberra Institute of Technology (CIT) appeared before the ATSIEB in hearings on 14 March 2018.
- 4.2 The Institute's responses to the Elected Body's generic questions, and selected witness testimony from hearings, are considered below.

Responses to generic questions

1 Equitable access and increased impact

- 4.3 In its written response to the Elected Body's first generic question CIT indicated that:
- CIT has a dedicated Indigenous Vocational Educational Centre of Excellence — CIT Yurauna — which 'provides Aboriginal and Torres Strait Islander programs and student support and is committed to developing opportunities so that Aboriginal and Torres Strait Islander peoples are able to access employment opportunities'.
 - CIT Yurauna is 'dedicated to meeting community and industry demand by developing and delivering customised Indigenous-specific training'.²⁶⁷
 - The goals of CIT Yurauna are:
 - to facilitate access to further education
 - preparing individuals for the workforce
 - retraining in a culturally-appropriate environment committed to individual needs.²⁶⁸
 - CIT provides 'appropriate support to ensure we can accommodate the needs of any Aboriginal or Torres Strait Islander person seeking to engage in VET'.²⁶⁹
 - CIT offers a range of measures to ensure the training it provides is affordable and accessible including:
 - Indigenous Scholarships to those who can demonstrate evidence of Aboriginality or Torres Strait Islander heritage
 - fee assistance for those on low incomes
 - payment plans
 - access to VET FEE-HELP for some courses
 - ConnXtions program, through a partnership with Northside community service which includes wraparound support such as transport, lunches, academic support, and child care
 - Certificate IV in Alcohol and other drugs delivered off-site by Lyndon in NSW (Alcohol and Drugs Service)
 - negotiated special entry on behalf of students into CIT programs from Certificate IV to diploma.²⁷⁰

²⁶⁷ CIT response to ATSIEB generic questions, November 2017, p.1.

²⁶⁸ CIT response to ATSIEB generic questions, November 2017, p.1.

²⁶⁹ CIT response to ATSIEB generic questions, November 2017, p.1.

²⁷⁰ CIT response to ATSIEB generic questions, November 2017, p.1.



2 Implementation of the ACT Aboriginal and Torres Strait Islander Agreement

- 4.4 In its written response to the Elected Body's second generic question CIT indicated that:
- 4.5 CIT is a member of the Implementation Reference Group for the ACT Aboriginal and Torres Strait Islander Agreement.
- 4.6 CIT has been 'implementing parts of the ACT Aboriginal and Torres Strait Islander Agreement and has integrated components of the Agreement into its core business'.²⁷¹
- 4.7 CIT undertakes activities across the seven focus areas of the Agreement:
- **Focus Area 1**— Cultural identity
 - **Focus Area 2**— Healthy mind, healthy body
 - **Focus Area 3**— Feeling Safe
 - **Focus Area 4**— Connecting to community
 - **Focus Area 5**— Employment and economic independence
 - **Focus Area 6**— Education
 - **Focus Area 7**— Leadership.²⁷²
- 4.8 A summary of the information that CIT provided about the main elements of these focus areas is presented below.

Focus Area 1— Cultural identity

- CIT launched its second Reconciliation Action Plan (RAP) in October 2016 and this 'stretch' RAP has been endorsed by Reconciliation Australia. It includes an Aboriginal and Torres Strait Islander Events Committee focused on the promotion of cultural events.²⁷³
- CIT conducts 'culturally-proficient programs to build cultural identity through the CIT Yurauna Centre and delivered six cultural awareness training programs across CIT in 2016'.²⁷⁴
- CIT is 'piloting a cultural awareness program in partnership with EPSD that will incorporate the Healthy Country Program with the Indigenous Rangers at ACT Parks and Conservation'.²⁷⁵

Focus 2— Healthy mind, healthy body

- This focus area includes a range of services and programs that are offered to Aboriginal and Torres Strait Islander students through CIT Yurauna.
- These services and programs are provided in relation to healthy foods, first aid, sexual health, alcohol and other drugs, Aboriginal mental health first aid, and road readiness.²⁷⁶
- CIT represents VET/education on the Ngunnawal Bush Healing Farm as a service delivery area of the 'Living Web' and also has an Employer Assistance Program available to all staff.²⁷⁷

Focus Area 3— Feeling safe

- CIT 'provides a safe environment for all its students'.²⁷⁸

271 CIT response to ATSIEB generic questions, November 2017, p.2.

272 CIT response to ATSIEB generic questions, November 2017, pp.2–4.

273 CIT response to ATSIEB generic questions, November 2017, p.2.

274 CIT response to ATSIEB generic questions, November 2017, p.2.

275 CIT response to ATSIEB generic questions, November 2017, p.2.

276 CIT response to ATSIEB generic questions, November 2017, p.2.

277 CIT response to ATSIEB generic questions, November 2017, p.2.

278 CIT response to ATSIEB generic questions, November 2017, p.2.



- Elements of this focus area include:
 - policies on 'discrimination, harassment and anti-bullying, equity and diversity, unacceptable student behaviour and a specific policy to ensure appropriate support to CIT's Aboriginal and Torres Strait Islander Australian students'.²⁷⁹
 - an expectation that all CIT students comply with the CIT Student Code of Conduct and that staff to the CIT Code of Practice and ACTPS Signature behaviours.²⁸⁰
 - providing access to the nationally-accredited competency 'Promote Aboriginal and Torres Strait Islander Cultural Safety', to all CIT staff, students and members of the public. The unit describes the skills and knowledge required to identify Aboriginal and/or Torres Strait Islander cultural safety issues in the workplace, model cultural safety in work practice, and develop strategies to enhance cultural safety.²⁸¹
 - CIT Yurauna provides 'an environment for Aboriginal and Torres Strait Islander staff and students that is spiritually, socially and emotionally safe, as well as physically safe'.²⁸²

Focus Area 4—Connecting to community

- CIT provides a number of programs and opportunities for this focus area 'to assist students to connect to community'.²⁸³ These include:
 - Road Ready for vulnerable students
 - a partnership with the Northside Community Services offering a Certificate III in Community Development
 - support for an Aboriginal and Torres Strait student representative from CIT Yurauna on the CIT Student Council
 - provision of advice and guidance on training needs from industry and the community for Aboriginal and Torres Strait Islander peoples through the CIT Aboriginal and Torres Strait Islander Advisory Committee.²⁸⁴

Focus Area 5—Employment and economic independence

- CIT Yurauna Centre provides 'culturally-proficient programs to increase participants' employability and increase opportunities to access employment and/or enter into private enterprises. This includes 'a partnership with ACT Environment, Planning and Sustainable Development Directorate and Education Directorate' to manage and deliver the 'Kickstart My Career with Culture Program' for disengaged youth.²⁸⁵
- CIT has 'delivered skill sets from the Certificate III Horticulture with all nine participants completing the course'.²⁸⁶

Focus Area 6—Education

- 'CIT Yurauna Centre provides culturally-proficient programs to increase participants' skills development and qualification attainment'.²⁸⁷

279 CIT response to ATSIEB generic questions, November 2017, p.2,
280 CIT response to ATSIEB generic questions, November 2017, p.2.
281 CIT response to ATSIEB generic questions, November 2017, pp.2–3.
282 CIT response to ATSIEB generic questions, November 2017, p.3.
283 CIT response to ATSIEB generic questions, November 2017, p.3.
284 CIT response to ATSIEB generic questions, November 2017, p.3.
285 CIT response to ATSIEB generic questions, November 2017, p.3.
286 CIT response to ATSIEB generic questions, November 2017, p.3.
287 CIT response to ATSIEB generic questions, November 2017, pp.3–4.



Focus Area 7—Leadership

- CIT is ‘committed to providing opportunities and development of all staff in support of their professional aspirations’.²⁸⁸ This includes:
 - the Director CIT Yurauna is part of the CIT leadership team and attends CEO forums, the CIT Leadership Network, and is a member of the CIT Academic Council
 - Aboriginal and Torres Strait Islander staff from CIT Yurauna have been given opportunities to work in other parts of CIT to broaden their skills development.²⁸⁹

3 Aboriginal and Torres Strait Islander organisations and community

4.9 In its written response to the Elected Body’s third generic question CIT indicated that:

- CIT Yurauna Centre has established relationships with a range of entities and organisations. These include: the United Ngunnawal Elders Council; the ACT Aboriginal and Torres Strait Islander Elected Body; community organisations including Gugan Gulwan, Winnunga Nimmityjah, Burrunju Aboriginal Corporation, Relationships Australia, Northside Community Services, Munjuawa in Queanbeyan; Onerwal Land Council in Yass; and other Indigenous businesses.²⁹⁰
- CIT Yurauna Centre is ‘a client-focused multi-faceted educational centre that has direct contact with over 3,000 Aboriginal and Torres Strait Islander people as students, clients and/or families each year’.²⁹¹
- ‘CIT Yurauna Centre is proactive with an established customer service-focused team that works closely within CIT and works in partnership with other organisations across the ACT to ensure the best outcomes for individuals and families’.²⁹²
- CIT Yurauna engages formally and informally with members of the CIT Aboriginal and Torres Strait Islander Advisory Committee and the ACT Aboriginal and Torres Strait Islander Elected Body at meetings.²⁹³

4 Increased knowledge of the Agreement amongst staff

4.10 In its written response to the Elected Body’s fourth generic question CIT indicated that:

*The Agreement has been distributed to Executives, Directors and Senior Managers throughout CIT and as well as the RAP Working Group.*²⁹⁴

5 Aboriginal and Torres Strait Islander staffing profile

4.11 In its written response to the Elected Body’s fifth generic question CIT indicated that:

- CIT employs 19 Aboriginal and Torres Strait Islanders who comprise 2.5 per cent of its 772 paid staff²⁹⁵
- CIT has 11 identified Aboriginal and Torres Strait Islander positions in its payroll system²⁹⁶
- of CIT’s Aboriginal and Torres Strait Islander staff members nine of the 15 are female or 60 per cent.²⁹⁷

288 CIT response to ATSIEB generic questions, November 2017, p.4.

289 CIT response to ATSIEB generic questions, November 2017, p.4.

290 CIT response to ATSIEB generic questions, November 2017, p.4.

291 CIT response to ATSIEB generic questions, November 2017, p.4.

292 CIT response to ATSIEB generic questions, November 2017, p.4.

293 CIT response to ATSIEB generic questions, November 2017, p.4.

294 CIT response to ATSIEB generic questions, November 2017, p.4.

295 CIT response to ATSIEB generic questions, November 2017, p.5.

296 CIT response to ATSIEB generic questions, November 2017, p.5.

297 CIT response to ATSIEB generic questions, November 2017, p.5.



- 4.12 CIT also provided a table showing the classification levels of its Aboriginal and Torres Strait Islander employees.²⁹⁸ This table is reproduced below.

Classification	Number
SOGA	1
Education Manager Level 1	1
Teacher Level 2	1
Teacher Level 1	8
AS06	1
AS04	1
AS02/3	1
AS02	2
GS03	1
Casual Teachers	2
Total	19

- 4.13 CIT's response advised that it provides the following professional development and retention opportunities:
- CIT staff have the opportunity to attend a two-day skills summit annually²⁹⁹
 - the enterprise agreement provides that CIT teachers 'receive an annual allocation of funds (\$900) and time (36 teaching hours or two weeks) to participate in professional development activities'³⁰⁰
 - an annual Performance Management and Learning and Development Plan is completed by all permanent and temporary full-time and part-time CIT staff. It encourages career pathway planning and the development of goals.³⁰¹
- 4.14 CIT's response advised that it is increasing Aboriginal and Torres Strait Islander representation by:
- the *CIT 2016–2019 Stretch RAP* includes increasing employment for Aboriginal and Torres Strait Islanders as a focus area. CIT provides work experience opportunities and offers secondment opportunities across ACTPS directorates for ACTPS employees.³⁰²

6 Aboriginal and Torres Strait Islander leadership

- 4.15 CIT's written response to the Elected Body's sixth generic question indicated that:

*There are limited opportunities for SES engagement at CIT as there are only three SES positions in the structure. CIT has one identified position at the SOG A level.*³⁰³

7 Management positions

- 4.16 CIT's written response to the Elected Body's seventh generic question indicated that:

*There is only one teacher level 2 who is a non-Indigenous person at CIT Yurauna. At the time of recruitment she was the best applicant with the appropriate qualifications.*³⁰⁴

298 CIT response to ATSIEB generic questions, November 2017, p.5.

299 CIT response to ATSIEB generic questions, November 2017, p.5.

300 CIT response to ATSIEB generic questions, November 2017, p.5.

301 CIT response to ATSIEB generic questions, November 2017, pp.5–6.

302 CIT response to ATSIEB generic questions, November 2017, p.6.

303 CIT response to ATSIEB generic questions, November 2017, p.6.

304 CIT response to ATSIEB generic questions, November 2017, p.6.



8 Focused and effective services

- 4.17 CIT's written response to the Elected Body's eighth generic question indicated that:
- CIT's annual Learner Satisfaction Survey results indicate that in 2016, 66 of 1,603 (4.1 per cent) respondents overall and 1,299 (5.1 per cent) who responded to the Aboriginal and Torres Strait Islander question item reported having an Aboriginal and Torres Strait Islander background³⁰⁵
 - of the 66 Aboriginal and Torres Strait Islander students who responded to the relevant question, 61 (92.4 per cent) indicated to be either very satisfied or satisfied with the training at CIT³⁰⁶
 - CIT has seen increasing enrolments of Aboriginal and Torres Strait Islander students from 2010 with a slight dip in 2014.³⁰⁷
- 4.18 CIT also provided a table showing its Aboriginal and Torres Strait Islander enrolments by year from 2010 to 2017. This table is reproduced below.

Aboriginal and Torres Strait Islander student enrolments 2010–17

	2010	2011	2012	2013	2014	2015	2016	Oct 2017
Total clients (headcount)	388	521	534	663	531	642	906	700
Total enrolments	602	830	922	1,084	916	855	1,080	896
Enrolments in non-awards/ statement of attainment	263	395	443	420	129	71	135	147
Enrolments in certificate I and certificate II	126	101	129	158	351	210	112	48
Enrolments in certificate III and certificate IV	124	214	273	413	373	492	703	564
Enrolments in diploma, advanced diploma and degrees	89	120	77	93	62	82	130	137

9 Effective policy development and policy impact

- 4.19 CIT's written response to the Elected Body's ninth generic question indicated that:

CIT does not develop policy for the whole of the ACT but does have a specific Aboriginal and Torres Strait Islander Policy that is provided to all staff for information.³⁰⁸

10 Budget allocations to programs, services and clients

- 4.20 CIT's written response to the Elected Body's tenth generic question indicated that:

Approximately 1.7 per cent of CIT's government appropriation budget is allocated specifically to Aboriginal and Torres Strait Islander programs, services and clients via CIT's Yurauna Centre; this is on top of programs and services conducted under CIT's general delivery to all students. Additional dedicated funding for the area comes in the form of commercial activity and Commonwealth grants (representing an additional 14 per cent of the budget on top of the ACT Government appropriation).

Facility expenses and general administration are covered by CIT Corporate Services and are not included in the 1.7 per cent allocation referenced above. Some administration takes

305 CIT response to ATSIEB generic questions, November 2017, p.6.

306 CIT response to ATSIEB generic questions, November 2017, p.6.

307 CIT response to ATSIEB generic questions, November 2017, p.7.

308 CIT response to ATSIEB generic questions, November 2017, p.7.



place within the CIT Yurauna Centre with administrative staff accounting for approximate [sic] 29 per cent of the salary budget. These administrative positions are identified positions for Aboriginal and Torres Strait Islanders and the employees work directly with the students providing information and advice, running events, processing enrolments, and so on.

Student numbers have increased by 133 per cent since 2010 (from 388 to 906); additional client base growth may require additional funding. Student feedback and outcomes are positive (see question 8).³⁰⁹

11 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff

4.21 CIT's written response to the Elected Body's eleventh generic question indicated that:

- CIT Yurauna provides cultural support to staff and students including a buddy system for new employees
- CIT provides rotations and exchanges of job roles, learning and development plans, and career pathway plans
- CIT has a support officer for Aboriginal and Torres Strait Islander employees and mentoring and coaching has been established for two staff
- teacher meetings and whole-of-staff meetings for peer support and debriefings occur weekly and fortnightly
- CIT Yurauna staff are also members of the Murranga Murranga employment network and are supported to attend meetings.³¹⁰

12 Aboriginal and Torres Strait Islander cultural awareness training

4.22 CIT's written response to the Elected Body's twelfth generic question indicated that:

*CIT provides cultural awareness training to staff for no cost. In the 2016–17 financial [year], 60 staff attended cultural awareness training. The CEO and senior managers undertook cultural awareness training in 2016. Updated training will be offered in 2018 across CIT.*³¹¹

13 Building on knowledge obtained through cultural awareness training

4.23 CIT's written response to the Elected Body's thirteenth generic question indicated that:

- CIT has 'improved pedagogical practices by incorporating the eight Aboriginal Ways of Learning to deliver better educational outcomes and retention of students to complete qualifications/skill sets'.³¹²
- CIT encouraged its teachers, through cultural awareness training, 'to use this framework to develop learning tools that incorporate Aboriginal ways of learning'.³¹³
- this training also:

... provides a guide for all staff on how to communicate and connect with Aboriginal and Torres Strait Islander peoples, work collaboratively with the CIT Yurauna team to provide cultural support practices that includes applying cultural safety in the workplace, model cultural safety in [their] own work practice, and develop strategies to enhance cultural safety'.³¹⁴

309 CIT response to ATSIIEB generic questions, November 2017, pp.7–8.

310 CIT response to ATSIIEB generic questions, November 2017, p.8.

311 CIT response to ATSIIEB generic questions, November 2017, p.8.

312 CIT response to ATSIIEB generic questions, November 2017, p.8.

313 CIT response to ATSIIEB generic questions, November 2017, p.8.

314 CIT response to ATSIIEB generic questions, November 2017, p.8.



Hearings

4.24 Representatives of the Canberra Institute of Technology appeared before the Elected Body in hearings on 14 March 2018.

Matters considered

4.25 Matters considered in the course of the hearings included:

- promoting CIT as a preferred place of study, and attracting Indigenous students³¹⁵
- variations in the Aboriginal and Torres Strait Islander student intake across years³¹⁶
- processes to address staff turnover, to recruit and interview³¹⁷
- the impact of the 'success' of the Yurauna Centre on Aboriginal and Torres Strait Islander students³¹⁸
- how CIT shows respect for the cultures of Aboriginal and Torres Strait Islander students from across Australia³¹⁹
- responsiveness of CIT educational programs³²⁰
- measuring the success of programs and meeting information technology demands in the workplace³²¹
- support provided to assist Aboriginal and Torres Strait Islander students to apply for scholarships.³²²

Key issues

Promoting CIT as a preferred place of study and attracting Aboriginal and Torres Strait Islander students

4.26 During the hearing the CEO of CIT told the Elected Body what CIT was doing to promote itself as a place of study and to attract students, saying that it did 'a variety of things at different levels'. She said that these included:

- CIT's 'stretch RAP' which included targets and goals, it '... is about strengthening respect. It is about increasing opportunity and partnerships'
- CIT has a dedicated Yurauna Centre³²³
- CIT undertook various actions in 2017 which included:
 - hosting 795 students who identified as Aboriginal and Torres Strait Islanders, and providing 131 scholarships to them to a total cost of \$85,800
 - the Yurauna Centre had 'a number of exhibitions and recognition, celebration and award ceremonies', including 'the winds of change display at the Reid Library' and 'My story, my voice', a short story presentation
 - CIT library had a focus on 'resources and collections'
 - CIT was a partner to the new bush healing farm and provided training across a number of the qualifications required there

315 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.47–80; 49–50.

316 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.48–49; 50.

317 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.50–52.

318 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.52.

319 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.52.

320 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.52.

321 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.53–54.

322 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.54–55.

323 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.47.



- the Yurauna Centre had strong leadership, its director was a finalist in the ACT Woman of the Year Awards.³²⁴

Variations in the Aboriginal and Torres Strait Islander student intake across years

- 4.27 During the hearing the Elected Body referred to the steady rise in the CIT's intake of students over a seven- or eight-year period but noted a significant drop in 2016 and 2017 and asked whether that had been anticipated and rectified.
- 4.28 In her response, the CEO said there was 'a bit of an anomaly' in 2017.³²⁵ She told the Elected Body that the qualifications that Aboriginal and Torres Strait Islander students are doing at CIT 'are increasingly stable at the certificate IV to diploma level' with an increase in students in some areas like 'the plumbing qualification'. She also pointed out that demand may vary from year-to-year depending on student interests and the labour market.³²⁶
- 4.29 The Team Leader, Student Support at CIT Yurauna added that in 2017 'a lot of students' who completed a Certificate III or Certificate IV in community services obtained employment'.³²⁷
- 4.30 When the Elected Body asked specifically about the number of completing students who transitioned into employment and the period over which this occurred, the question was taken on notice.³²⁸
- 4.31 The response to this Question Taken on Notice advised:

*CIT Yurauna does not formally track where students go on completion of their certificate course. Following completion of their studies at CIT students may continue on with further study, such as a diploma at CIT or a degree course at university, or gain paid employment. Yurauna has been advised through the student and community networks that some of the students completing their certificate courses in 2016 gained employment at Red Cross, The Smith Family, Indigenous Doctor's Association, Woolworths and ACT and federal government departments.*³²⁹

- 4.32 In relation to the promotion of CIT as a place to study, the Team Leader referred to the main role of being 'present in the community'. She then went on to say: 'We can have all the promotional material in the world, but it is not going to attract students if they do not know someone in the centre'.³³⁰ She added that one-on-one case management 'is really important'³³¹ and that support is tailored 'to the individual, not the group as a whole,' and that 'translates into promotion of the courses'.³³²
- 4.33 The Team Leader described her main role as:

*'... looking after the students but also going out to the community, promoting our courses. We do a lot of work with the liaison officers in the school, attending employment and educational exhibitions and expos, just to give the students and community members a different kind of view of CIT and Yurauna. We are also involved in community fairs and events...'*³³³

324 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.48.

325 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.48.

326 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.49.

327 Ms Cara Smith, *Transcript of evidence*, 14 March 2018, p.49.

328 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.49.

329 Response to Question Taken on Notice at hearings of 14 March 2018.

330 Ms Cara Smith, *Transcript of evidence*, 14 March 2018, p.49.

331 Ms Cara Smith, *Transcript of evidence*, 14 March 2018, p.49.

332 Ms Cara Smith, *Transcript of evidence*, 14 March 2018, p.49.

333 Ms Cara Smith, *Transcript of evidence*, 14 March 2018, p.50.



- 4.34 The Manager, Student Support expressed the view ‘that one year was abnormally high. If you took that year out, you would find that 2017 was still growing from 2015’.³³⁴

Processes to address staff turnover, to recruit and interview

- 4.35 The Elected Body was interested to hear whether there were ‘strategies in place to remedy the level of turnover within the Yurauna centre’.³³⁵

- 4.36 In response to the Elected Body’s question, the CEO said that she reviewed the number of new starters and separations each month, and pointed to some changes in the executive and new structures at CIT. She expressed the view that ‘some disruption to contracts and the structure of the workforce’ is sometimes associated with such changes.³³⁶

- 4.37 The CEO also said that:

*... the ebb and flow of contracts is driven by a number of things, including the demand of the students and the courses we are running... the way we are regulated in terms of the training package requirements and the particular skills, competencies and currencies that teachers need to have to deliver courses.*³³⁷

- 4.38 As to any changeover in the permanent staff at the Yurauna Centre the Team Leader, Student Support told the Elected Body that ‘it is the same staff members. There has not been too much of a difference in that’.³³⁸

- 4.39 At this stage in the hearing, the Elected Body asked about ‘the processes undertaken in recruitment or interviewing for CIT to assess the suitability of general candidates around cultural safety for Aboriginal and Torres Strait Islander community members who might be being taught by those people or receiving a service from them’.³³⁹

- 4.40 In her response, the CEO emphasised the importance of ‘safety, inclusion and a welcoming environment’ and that students at Yurauna and across CIT often raised with her ‘the importance of being welcomed’ and of:

*... feeling like there is ownership of that space and being included in all activities, not just within the Yurauna Centre—although that has a very strong welcoming presence and inclusion focus—but across the whole of the organisation.*³⁴⁰

- 4.41 The CEO added that very ‘prominent activities are run in very prominent locations that really try to embrace and promote inclusion’, such as the NAIDOC Week celebrations.³⁴¹

- 4.42 In relation to recruitment processes, the CEO told the Elected Body that ‘adherence to the broader policies and practices around the promotion of Aboriginal and Torres Strait Islander staff members’ partly sets ‘the conditions around the criteria, the skills and the capabilities that staff need coming in to those roles’.³⁴²

- 4.43 She advised that ‘certain competencies have to be adhered to and selected for because ‘the vocational education and training environment is very regulated in terms of the mandated qualifications a teacher has to have in order to get in front of a class’. Also, in the case of recruitment to ‘a general staff position’ there

334 Ms Rhonda Fuzzard, *Transcript of evidence*, 14 March 2018, p.50.

335 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.50.

336 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.50.

337 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.51.

338 Ms Cara Smith, *Transcript of evidence*, 14 March 2018, p.51.

339 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.51.

340 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.51.

341 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.51.

342 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.51.



is 'a focus on youth work or support work or a particular type of link with schools or with community, that would also influence the selection of those staff members'.³⁴³

The impact of the 'success' of the Yurauna Centre on Aboriginal and Torres Strait Islander students

- 4.44 With regard to the 'success' of the Yurauna Centre, the Elected Body asked whether this impacted on whether students stay on at the centre or whether students feel 'the same level of support and engagement in CIT's mainstream courses'.³⁴⁴
- 4.45 In her response, the CEO pointed to the very high satisfaction levels of Aboriginal and Torres Strait Islander students at the Yurauna Centre and across the CIT. In her point of view, 'student satisfaction is one strong indicator that there is that safe and inclusive environment that is beyond just the Yurauna Centre'.³⁴⁵

How CIT shows respect for the cultures of Aboriginal and Torres Strait Islander students from across Australia

- 4.46 The Elected Body asked how the CIT ensures that the 'curriculum, cultural activities and any wraparound support' it provides respects Aboriginal and Torres Strait Islander students who may come 'from all over the country'.³⁴⁶
- 4.47 The Team Leader, Student Support responded by explaining how 'all Indigenous teachers are heavily involved in ensuring that it is culturally safe, not just for Aboriginal and Torres Strait Islander people but for all students at CIT'. She also said that, in terms of the wraparound support, her role is 'to support all students, not just the Yurauna centre students' and that this involved contacting all Indigenous students 'to ensure that their fees are paid and they are attending classes'. But she said that her main concern 'is to see how they are going'.³⁴⁷ While noting that she was not from Ngunnawal country herself, the Team Leader said that she was 'respectful of different mobs and different backgrounds'. She also told the Elected Body that it is 'about sharing my experience and the know-how of our other team members to be inclusive and welcoming, and that practice of being kind to and respectful of Aboriginal and Torres Strait Islander people'.³⁴⁸

Responsiveness of CIT educational programs

- 4.48 During discussion about how CIT keeps abreast of what the whole community wants and needs in its educational programs and their delivery, the CEO told the Elected Body that 'the Yurauna Centre has a critical role as a touch point for community'. He also stated that it is 'where community often go as a first touch point for the institute, if there are courses that are required within community'. In addition, she said that CIT has 'strong links to the Chief Minister's Directorate in terms of where there are resources to be talking to industry all the time around growing skill gaps or demands, and emerging industries as well'. She also said there was a structure in the way that advice from both government and industry are collected and collated.³⁴⁹ The CEO also referred to the advisory committee at the Yurauna Centre and its role in providing direct advice.³⁵⁰

343 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, pp.51–52.

344 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.52.

345 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.52.

346 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.52.

347 Ms Cara Smith, *Transcript of evidence*, 14 March 2018, p.52.

348 Ms Cara Smith, *Transcript of evidence*, 14 March 2018, p.52.

349 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.52.

350 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.53.



- 4.49 In addition, the Team Leader, Student Support mentioned how there were weekly catch-ups with students, that complaints and suggestions were encouraged, and that confidential student surveys are conducted at the end of every semester and term, with the results of those surveys evaluated.³⁵¹
- 4.50 The Elected Body was also interested to hear about any efforts by CIT to understand what would attract people who are not already engaged with by CIT to become students.³⁵²
- 4.51 In responding, the CEO referred to daily contact that teachers at the Yurauna Centre have with the community and the flow of information that occurs between both the CIT and the community.³⁵³ The Team Leader, Student Support mentioned that 'follow-up phone calls' were made and how she sent people postcards. She said: 'We genuinely care about them as well'.³⁵⁴

Measuring the success of programs and meeting Information Technology demands in the workplace

- 4.52 During the hearing, the Elected Body asked how the CIT measured the success of the programs it delivers at the Yurauna Centre and whether it knows if the Aboriginal and Torres Strait Islander students who complete its programs gain successful employment.³⁵⁵
- 4.53 In her response, the CEO again referred to the high level of student satisfaction of Indigenous students at CIT, but in terms of tracking students she said that a national survey is undertaken that tracks CIT students but that it is 'not done specifically for Aboriginal and Torres Strait Islander students or employers of those students'.³⁵⁶ The Team Leader, Student Support added that while there was no formal tracking of students at the Yurauna Centre, students do call 'to say they have got a job or things like that' and that 'a new staff member ... who will be specifically looking after that and at career opportunities and helping with that' will hopefully 'be able to use her skills to track where our students are going'.³⁵⁷
- 4.54 The CEO also made reference to the CIT Student Association which is 'a really active body of student representatives.' She said that the Association 'assists with the flow of information and student need as well. They often keep in contact informally with students beyond them being placed into jobs'.³⁵⁸
- 4.55 The Elected Body followed this discussion by asking how the Yurauna Centre was 'preparing Aboriginal and Torres Strait Islander students for current and future information technology advancements'³⁵⁹ that are happening in the workplace.
- 4.56 While noting that this was a challenge, the CEO pointed out that:

... the training packages the institute delivers are defined by industry. There are bodies and mechanisms for input into those training packages, in what might be called the curriculum in a school setting. The curriculum content is determined by industry.³⁶⁰

351 Ms Cara Smith, *Transcript of evidence*, 14 March 2018, p.53.

352 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.53.

353 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.53.

354 Ms Cara Smith, *Transcript of evidence*, 14 March 2018, p.53.

355 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.53.

356 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.53.

357 Ms Cara Smith, *Transcript of evidence*, 14 March 2018, p.54.

358 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.54.

359 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.54.

360 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.54.



4.57 The CEO stated:

The IT, the technology and the skills around problem-solving, team-building and decision-making are encompassed within the actual training packages because industry recognise that those broader skills are changing very rapidly across all the industries and need to be embedded in the training packages being delivered.³⁶¹

4.58 The Team Leader, Student Support also commented:

A lot of our students are computer illiterate, and just by being at the Yurauna Centre they are developing those skills. It is not the high-tech IT skills that I think that question is asking for, but they are developing. They are using the computers. They are using iPads and things like that, so they are increasing their skills. On Friday we have tutorial support sessions where some of our older students who have never used a computer in their lives are using those skills and increasing that knowledge as well.³⁶²

Support provided to assist Aboriginal and Torres Strait Islander students to apply for scholarships

4.59 The Elected Body's final question during the hearing with representatives of CIT was about the support that is provided to Aboriginal and Torres Strait Islander students to help them apply for scholarships.³⁶³

4.60 The Team Leader, Student Support referred to various ways in which students can apply. She said that students can go directly to the Yurauna Centre, but that assistance is also provided at the CIT's Bruce and Fyshwick campuses, and students were followed up if there are outstanding fees. She said: 'There is plenty of support' and that Yurauna Centre and student services staff are well trained to provide that.³⁶⁴

361 Ms Leanne Cover, *Transcript of evidence*, 14 March 2018, p.54.

362 Ms Cara Smith, *ranscript of evidence*, 14 March 2018, p.54.

363 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.54.

364 Ms Cara Smith, *Transcript of evidence*, 14 March 2018, pp.54–55.



Elected Body comment

Summary

Written responses

- 4.61 Written responses by Canberra Institute of Technology to the Elected Body's generic questions provided details of the CIT's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.
- 4.62 These included:
- the provision of a dedicated Indigenous Vocational Education Centre of Excellence — CIT Yurauna³⁶⁵
 - the provision of a range of supports to meet the needs of any Aboriginal and Torres Strait Islander person seeking to engage in VET³⁶⁶
 - integrating components of the ACT's Aboriginal and Torres Strait Islander Agreement into the CIT's course business across seven focus areas — cultural identity; healthy mind, healthy body; feeling safe; connecting to community; employment and economic independence; education; and leadership³⁶⁷
 - the conduct of an annual Learner Satisfaction Survey³⁶⁸
 - incorporating 'the eight Aboriginal Ways of Learning to deliver better educational outcomes and retention of students to complete qualifications/skill sets'.³⁶⁹

Responses in hearings

- 4.63 Matters which were discussed in some detail during the hearing are included below.
- 4.64 In relation to how the CIT was promoting itself as a preferred place of study and to attract Aboriginal and Torres Strait Islander students, the Elected Body and representatives of the CIT discussed: the CIT's RAP; the provision of scholarships; exhibitions and recognition; celebration and award ceremonies; the focus of the library; partnering in the new bush healing farm; and strong leadership.³⁷⁰
- 4.65 In relation to the CIT's students, the Elected Body and representatives of the CIT discussed: variations in demand for certain qualifications; employment of students who obtain qualifications; the importance of having a presence in the community; the high level of satisfaction of Aboriginal and Torres Strait Islander students; how the CIT respects the various cultures of Aboriginal and Torres Strait Islander students who come from all over Australia.³⁷¹
- 4.66 In relation to the responsiveness of the CIT's programs to needs, the Elected Body and representatives of the CIT discussed: the connections that the CIT and CIT Yurauna and their staff have with the community; and with the ACT Government and industry, and the use of technology by students.³⁷²
- 4.67 In relation to employees of the CIT, the Elected Body and representatives of the CIT discussed: the monitoring of data on the number of separations and new starters, recruitment processes and that regulation of the vocational educational and training environment impacts on that.³⁷³

365 CIT response to ATSIEB generic questions, November 2017, pp.1; 4.

366 CIT response to ATSIEB generic questions, November 2017, p.1.

367 CIT response to ATSIEB generic questions, November 2017, pp.2–4.

368 CIT response to ATSIEB generic questions, November 2017, p.6.

369 CIT response to ATSIEB generic questions, November 2017, p.8.

370 *Transcript of evidence*, 14 March 2018, pp.47–48.

371 *Transcript of evidence*, 14 March 2018, pp.48–50; 52.

372 *Transcript of evidence*, 14 March 2018, pp.52–54.

373 *Transcript of evidence*, 14 March 2018, pp.51–52.



Elected Body views and recommendations

- 4.68 The Elected Body notes the advice it was provided during the hearing with representatives of CIT about the high level of satisfaction of Aboriginal and Torres Strait Islander students at CIT including those attending programs at the Yurauna Centre.
- 4.69 The Elected Body also notes the considerable efforts being made by CIT management and staff to ensure that all Aboriginal and Torres Strait Islander students have a safe and welcoming environment in which to learn, and which respects their cultures, wherever they may come from in Australia.
- 4.70 However, it is the view of the Elected Body that it is critical that all programs and services that are delivered for the benefit of members of the Aboriginal and Torres Strait Islander community in the ACT are effective that the extent of their effectiveness is measured, and that any areas for improvement in the design and delivery of programs are implemented to improve their effectiveness.
- 4.71 The Elected Body notes that a key objective of CIT is to provide training programs and support to enable. Including Aboriginal and Torres Strait Islander students to undertake further training or to transition into the workforce.
- 4.72 It is the view of the Elected Body that additional effort could be directed towards developing robust measures of the extent to which these objectives are being achieved by the programs and support provided for Aboriginal and Torres Strait Islander students at CIT. Since these objectives may not be achieved within a short period of time after the completion of training programs, that it is appropriate that the outcomes of training also be measured in the medium- to long-term.
- 4.73 It is also the view of the Elected Body that it would be worthwhile to track students following the completion of training programs, and that this may inform an assessment of the outcomes achieved by the provision of training programs and support at CIT.
- 4.74 In light of this the Elected Body makes the following recommendation:

RECOMMENDATION 8

- 4.75 **The Elected Body recommends that CIT investigate the feasibility of tracking Aboriginal and Torres Strait Islander students who participate in their training programs to determine the extent to which the training and support they are provided enables them to: (i) pursue additional training or study and/or; (ii) obtain full-time, part-time, permanent or casual paid employment; and/or (iii) obtain voluntary work for an Aboriginal and Torres Strait Islander or other organisation.**

5 COMMUNITY SERVICES DIRECTORATE



Introduction

- 5.1 Officials of the Community Services Directorate (CSD) appeared before the ATSIEB in hearings on 14 March 2018.
- 5.2 The directorate's responses to the Elected Body's generic questions, and selected witness testimony from hearings, are considered below.

Responses to generic questions

1 Equitable access and increased impact

- 5.3 In its response to the Elected Body's first generic question the directorate indicated that:
- 5.4 The directorate has responsibility for various matters relevant to Aboriginal and Torres Strait Islander people. A summary of the main elements of these, that has been drawn from the information provided by the directorate, is provided below.

Child, Youth and Family Services Program

- The Child, Youth and Family Services Program co-funds programs such as the Gulanga Program 'to support organisations working with Aboriginal and Torres Strait Islander individuals and families to improve the cultural competency of their staff and services'.³⁷⁴
- The Office for Aboriginal and Torres Strait Islander Affairs funds the ACT Aboriginal and Torres Strait Islander Job Readiness Support Program (ConnXtions Program), which 'provides job-ready training and ongoing support to Aboriginal and Torres Strait Islander young people, women and families at risk of homelessness, reoffending or facing long term unemployment'.³⁷⁵

Community Services Industry Relationships and Reform (CSIRR)

- CSIRR 'is building a more collaborative working relationship with all our community sector organisations, in particular, through greater engagement with the sector over service reform and redesign, and implementation of the *ACT Community Services Industry Strategy 2016–2026*'.
- CSIRR targets 'Aboriginal and Torres Strait Islander organisations to encourage attendance at consultations'.³⁷⁶

Office for Veterans and Seniors

- The Office for Veterans and Seniors 'has supported the Minister for Veterans and Seniors to establish positions within our Councils for Aboriginal and Torres Strait Islander People'.³⁷⁷

374 CSD response to ATSIEB generic questions, November 2017, p.1.

375 CSD response to ATSIEB generic questions, November 2017, p.1.

376 CSD response to ATSIEB generic questions, November 2017, p.1.

377 CSD response to ATSIEB generic questions, November 2017, p.1.

Office for Multicultural Affairs and Community Recovery

- The Office for Multicultural Affairs and Community Recovery 'supports directorates and our community partners to focus on improving Aboriginal and Torres Strait Islander outcomes by supporting evidence-based policy, embedding Aboriginal and Torres Strait Islander outcomes as a lens through all work'.³⁷⁸

ACT Women's Plan 2016–26

- The *ACT Women's Plan 2016–26* 'sets out the key directions and priorities in relation to the ACT Government's work in the area of improving outcomes for women and girls living in the ACT. Work under the plan will address priority areas of women's health and wellbeing; women's access to stable and affordable housing; women's right to safety at home and in the community; and women's economic security and leadership'.³⁷⁹
- A particular focus of the plan is 'improving outcomes and opportunities for Aboriginal and Torres Strait Islander women', as well as improving outcomes for women with disability, single mothers, older women, women who have experienced domestic and family violence and culturally and linguistically diverse women'.³⁸⁰
- The plan is being implemented through 'a series of whole-of-government, three-year action plans'. The First Action Plan 2017–19 which was launched in March 2017 includes a number of actions which specifically relate to Aboriginal and Torres Strait Islander women. These include:
 - 'investigate gaps and barriers to Aboriginal and Torres Strait Islander women pursuing post school education and training opportunities (CIT Yurauna Centre)
 - 'implement programs which support Aboriginal and Torres Strait Islander women to gain post-school education and training experiences (CIT Yurauna Centre, CMTEDD)
 - 'promote Vocational and Educational Training opportunities for Aboriginal and Torres Strait Islander women (CIT Yurauna Centre)
 - 'assess the ACT requirements under the ACT Health Aboriginal and Torres Strait Islander Health Plan (once finalised) (Health)
 - 'progress priorities identified in the ACT Health Aboriginal and Torres Strait Islander Health Plan (once finalised) which include actions relating to the provision of culturally-appropriate maternal health services (Health)
 - 'support community organisations to host forums with Aboriginal and Torres Strait Islander women and women with disability (CSD, ACT Health)'.³⁸¹

Return to Work Grants

- The Return to Work Grants Program 'provides grants of up to \$1,000 to assist eligible women return to the workforce. The use of the grant money is individually tailored to the needs of the particular woman, and may be used to cover expenses such as education, training, course fees, purchasing computers and software, child care and driving lessons'.³⁸²
- 'Aboriginal and Torres Strait Islander women are particularly encouraged to apply for the grants' and in 2016–17, 160 women were supported through the program of whom about '10 per cent identified as Aboriginal and Torres Strait Islander women'.³⁸³

378 CSD response to ATSIIEB generic questions, November 2017, p.1.

379 CSD response to ATSIIEB generic questions, November 2017, pp.1–2.

380 CSD response to ATSIIEB generic questions, November 2017, p.2.

381 CSD response to ATSIIEB generic questions, November 2017, p.2.

382 CSD response to ATSIIEB generic questions, November 2017, p.2.

383 CSD response to ATSIIEB generic questions, November 2017, p.2.



Women's Information Service

- The Women's Information Service:

... provides women with access to information and referrals to support them in their lives, and can be accessed over the phone or through face-to-face appointments. This service is available to all women, including Aboriginal and Torres Strait Islander women.³⁸⁴

ACT Diversity Register

- The ACT Government 'recognises and values' the 'diverse community' and 'this diversity is reflected in appointments to boards and committees and in leadership roles, to ensure the voices of people with diverse experiences are heard'. This includes 'increasing the representation of Aboriginal and Torres Strait Islander people on ACT Government and non-government boards'.³⁸⁵
- The ACT Diversity Register is being developed and 'will be an online portal to connect women and people with diverse experiences with ACT Government and non-government board vacancies'.³⁸⁶
- The register has a specific focus on Aboriginal and Torres Strait Islander people as well as other particular groups in the community.³⁸⁷
- The 'portal will support people in taking on these leadership positions by providing openly available resources, and opportunities for training and networking'.³⁸⁸

Office of Aboriginal and Torres Strait Islander Affairs

- The Office of Aboriginal and Torres Strait Islander Affairs 'advises the ACT Government on policy, programs and services impacting on Aboriginal and Torres Strait Islander people living in the ACT'.³⁸⁹
- The directorate works to support ACT Aboriginal and Torres Strait Islander people 'through service delivery, community engagement and the development of policy' and this 'is underpinned by the *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018*'.³⁹⁰
- The directorate convenes the ACT Strategic Board for Aboriginal and Torres Strait Islander Affairs Subcommittee (Subcommittee) which seeks to 'enhance performance and accountability by ACT Government directorates in improving life outcomes for the ACT Aboriginal and Torres Strait Islander community'³⁹¹ by:
 - 'Serving as a forum to meet and discuss: monitoring and performance against the implementation plan for the *Aboriginal and Torres Strait Islander Agreement 2015–2018*; directorate-specific Aboriginal and Torres Strait Islander strategic plans and initiatives; mainstream overarching strategies; and effective pathway solutions that involve an integrated cross-directorate approach leading to improved quality life outcomes for Aboriginal and Torres Strait Islander people'.³⁹²
 - 'Identifying solutions that resolve more complex service delivery issues or to address systemic barriers regarding optimum service delivery by directorates for Aboriginal and Torres Strait Islander clients'.³⁹³

384 CSD response to ATSIIEB generic questions, November 2017, pp.2–3.

385 CSD response to ATSIIEB generic questions, November 2017, p.3.

386 CSD response to ATSIIEB generic questions, November 2017, p.3.

387 CSD response to ATSIIEB generic questions, November 2017, p.3.

388 CSD response to ATSIIEB generic questions, November 2017, p.3.

389 CSD response to ATSIIEB generic questions, November 2017, p.3.

390 CSD response to ATSIIEB generic questions, November 2017, p.3.

391 CSD response to ATSIIEB generic questions, November 2017, p.3.

392 CSD response to ATSIIEB generic questions, November 2017, pp.3–4.

393 CSD response to ATSIIEB generic questions, November 2017, p.4.



- 'Continuing to drive greater horizontal integration of service delivery and cross-directorate collaboration with the view to advance aspirations; and overcome challenges and barriers to improve quality outcomes for the ACT Aboriginal and Torres Strait Islander community'.³⁹⁴
- An Outcomes Framework was developed in 2017 'to facilitate a review of the specific outcomes and progress against the Agreement' and provides:
 - 'evidence about the way programs and initiatives support specific population-based outcomes'
 - 'a shared understanding of the specific outcomes that the community expects and to unify efforts across government.'³⁹⁵
- The 'Outcomes Framework has specific measures that reflect the needs of the ACT Aboriginal and Torres Strait Islander community'.³⁹⁶

Youth Justice

- § The 'over-representation of Aboriginal and Torres Strait Islander people in youth justice is being addressed through the *Blueprint for Youth Justice in the ACT 2012–22* (the Blueprint). Since implementation of the Blueprint in 2011–12 to 2015–16, 'the impact on outcomes for Aboriginal and Torres Strait Islander young people is demonstrated by a:
- 32 per cent reduction in Aboriginal and Torres Strait Islander young people under youth justice supervision during the year
 - 45 per cent reduction in the rate of Aboriginal and Torres Strait Islander young people under supervision on an average day
 - 34 per cent reduction in Aboriginal and Torres Strait Islander young people under community-based supervision during the year
 - 67 per cent reduction in nights spent in custody by Aboriginal and Torres Strait Islander young people during the year
 - 48 per cent reduction in Aboriginal and Torres Strait Islander young people in detention during the year'.³⁹⁷
 - The directorate's initiatives contributing to the downward trend reflected in the data above, include 'the After Hours Crisis and Bail Support Service, Narrabundah House, evidence-based practice and case management in Child and Youth Protection Services and support for young detainees to transition back into the community'.³⁹⁸
 - Bimberi Youth Justice Centre (Bimberi) 'continues to have strong connections to Aboriginal and Torres Strait Islander organisations in the community'. These include: Gugan Gulwan — art and cultural programs; Winnunga — sporting activities and health and wellbeing programs; and Relationships Australia — Aboriginal and Torres Strait Islander counselling and young men's group.³⁹⁹

Australian Early Development Census

- The Australian Early Development Census (AEDC) is 'a triennial, national census that measures the development of children in their first year of school'.⁴⁰⁰

394 CSD response to ATSIIEB generic questions, November 2017, p.4.

395 CSD response to ATSIIEB generic questions, November 2017, p.4.

396 CSD response to ATSIIEB generic questions, November 2017, p.4.

397 CSD response to ATSIIEB generic questions, November 2017, p.4.

398 CSD response to ATSIIEB generic questions, November 2017, p.4.

399 CSD response to ATSIIEB generic questions, November 2017, p.9.

400 CSD response to ATSIIEB generic questions, November 2017, p.4.



- The AEDC measures the following five domains of early childhood development:
 - physical health and wellbeing
 - social competence
 - emotional maturity
 - language and cognitive skills (school-based)
 - communication skills and general knowledge.⁴⁰¹
- A total of '152 Aboriginal and Torres Strait Islander kindergarten students in the ACT' participated in the AEDC in 2015, which 'represents 2.7 per cent of ACT kindergarten students'.
- 'Aboriginal and Torres Strait Islander children remain much more likely to be developmentally vulnerable (41.9 per cent) than non-Aboriginal and Torres Strait Islander children (22 per cent). The percentage of ACT Aboriginal and Torres Strait Islander children developmentally vulnerable on one or more domain(s) has fluctuated over the three AEDC collection years, increasing significantly from 37.0 per cent in 2009 to 45.4 per cent in 2012 and then slightly decreasing (not significant) to 41.9 per cent in 2015.'⁴⁰²
- The directorate has delivered presentations on AEDC results to various stakeholders.⁴⁰³

eLearning

- The *eLearning Course for Professionals and Practitioners Working with Families from Pre-birth to Eight Years* is a 4½ hour online course released in August 2015 in the ACT which has been promoted across government and the community.⁴⁰⁴
- The course 'provides principles for the provision of culturally-appropriate programs for Aboriginal and Torres Strait Islander children and their families, features of successful Aboriginal and Torres Strait Islander parenting programs which aim to build capacity of the human service sector to offer culturally-appropriate services'.⁴⁰⁵

A Picture of ACT's Children and Young People

- *A Picture of ACT's Children and Young People* is an annual report which 'outlines how ACT's children and young people are tracking on key indicators of health, wellbeing and learning, and development'.⁴⁰⁶
- Of 'the current 51 indicators reported in the publication, 14 (27 per cent) were able to have information disaggregated for Aboriginal and Torres Strait Islander children and young people (0–25 years)'.⁴⁰⁷

Safer Families

- The Safer Families package announced in the 2016–17 ACT Budget 'is delivering more services in new ways, bringing family violence out of the shadows and ensuring those experiencing it get the help and support they need'.⁴⁰⁸
- The package 'supports the implementation of the commitments made in the 2016 *ACT Government Response to Family Violence* which includes 38 separate commitments. It includes 'specific actions to address family violence in Aboriginal and Torres Strait Islander communities'.⁴⁰⁹

401 CSD response to ATSIEB generic questions, November 2017, p.5.

402 CSD response to ATSIEB generic questions, November 2017, p.5.

403 CSD response to ATSIEB generic questions, November 2017, p.5.

404 CSD response to ATSIEB generic questions, November 2017, p.5.

405 CSD response to ATSIEB generic questions, November 2017, p.5.

406 CSD response to ATSIEB generic questions, November 2017, p.6.

407 CSD response to ATSIEB generic questions, November 2017, p.6.

408 CSD response to ATSIEB generic questions, November 2017, p.6.

409 CSD response to ATSIEB generic questions, November 2017, p.6.



- The ACT Government 'is committed to improving how statutory services, family support and other services work with Aboriginal and Torres Strait Islander families, including the need for service providers to be culturally-proficient to improve service access and supports'.⁴¹⁰
- The 'co-design of the Family Safety Hub, one of the key initiatives of our Safer Families agenda, is prioritising Aboriginal and Torres Strait Islander voices' as 'Aboriginal and Torres Strait Islander people are disproportionately affected by DFV and face unique barriers to help-seeking and service provision'.⁴¹¹
- In March 2017, the Domestic Violence Prevention Council (DVPC) 'hosted an Aboriginal and Torres Strait Islander Community Forum on Domestic and Family Violence' in partnership with the Elected Body. The 'report from the forum made a series of wide-ranging recommendations to the government' relating to:
 - 'provision of services to Aboriginal and Torres Strait Islander women, men and children in the ACT
 - the co-design of the Family Safety Hub
 - development of an Aboriginal and Torres Strait Islander workforce strategy'
 - future work for the DVPC and the Elected Body relating to domestic and family violence.⁴¹²
- The recommendations will be taken into account by the Office of the Coordinator-General for Family Safety 'as part of future work in addressing Aboriginal and Torres Strait Islander people affected by family and domestic violence in the ACT'.⁴¹³

Review of Aboriginal and Torres Strait Islander Children and Young people involved with the ACT Child Protection System

- The *Review of Aboriginal and Torres Strait Islander children and young people involved with the ACT child protection system* was announced on 15 June 2017.⁴¹⁴
- An 'improvement in services to the Aboriginal and Torres Strait Islander communities' will be a 'key' outcome. The review will be phased over two years.⁴¹⁵
- Aboriginal and Torres Strait Islander local and national representatives — including representatives of Winnunga Nimmityjah, Gugan Gulwan, the Elected Body, Beryl Women's Refuge, SNAICC and the National Congress of Australia's First Peoples — met on 31 October 2017 and this group 'will co-design the governance, communication, terms of reference and methodology of the review'.⁴¹⁶
- The 'review methodology, to be co-designed with the Aboriginal and Torres Strait Islander community, will include in-depth case analysis for all Aboriginal and Torres Strait Islander children involved with the child protection system'.⁴¹⁷
- As at 30 June 2016, 197 Aboriginal and Torres Strait Islander children and young people were in out of home care from a total out of home care population of 748.⁴¹⁸
- 'Aboriginal and Torres Strait Islander children comprise 26 per cent of children in out of home care in the ACT while only three per cent of the population of children in the ACT. This rate is the third highest rate of over-representation in Australia'.⁴¹⁹

410 CSD response to ATSIEB generic questions, November 2017, p.6.

411 CSD response to ATSIEB generic questions, November 2017, p.6.

412 CSD response to ATSIEB generic questions, November 2017, pp.6–7.

413 CSD response to ATSIEB generic questions, November 2017, p.7.

414 CSD response to ATSIEB generic questions, November 2017, p.7.

415 CSD response to ATSIEB generic questions, November 2017, p.7.

416 CSD response to ATSIEB generic questions, November 2017, p.7.

417 CSD response to ATSIEB generic questions, November 2017, p.7.

418 CSD response to ATSIEB generic questions, November 2017, p.7.

419 CSD response to ATSIEB generic questions, November 2017, p.7.



Child Development Service

- The Child Development Service (CDS) commenced in 2016 using 'medical and allied health staff' and 'focuses on early identification of developmental delays and/or disabilities for children 0–6 years in the ACT'.⁴²⁰
- In 2016–17 CDS 'worked with 116 children from birth to six years and their families' who identified as Aboriginal or Torres Strait Islander by providing a range of services and programs.⁴²¹

Child and Family Centres

- Three Child and Family Centres 'offer the Growing Healthy Families program'. The program 'supports inclusion and access to culturally-informed services by the local Aboriginal and Torres Strait Islander community'.⁴²²
- Four hundred and eighty-six (486) Aboriginal and Torres Strait Islander children are currently registered to participate in Growing Healthy Families.⁴²³

Initiatives to support reducing the number of Aboriginal and Torres Strait Islander Children and Young People in the Child Protection System

5.5 The directorate has a number of initiatives in place, including:

- *A Step Up for Our Kids*
- the Child and Youth Protection Services Cultural Services Team
- Melaleuca Place
- public housing
- a Family Group Conferencing Pilot
- *Blueprint for Youth Justice in the ACT 2012–22*
- Narrabundah House
- a Review of Aboriginal and Torres Strait Islander Children and Young People involved in the Child Protection System.⁴²⁴

A Step Up for Our Kids

- *A Step Up for Our Kids, One Step Can Make a Lifetime of Difference* is 'the ACT Government's five-year reform strategy for out of home care services'.⁴²⁵
- *A Step Up for Our Kids* has commissioned a new service system which 'has a specific focus on keeping Aboriginal and Torres Strait Islander families together with a view to specifically reduce the amount of Aboriginal and Torres Strait Islander children coming into care'.⁴²⁶
- By September 2017 'United have supported 169 families, of which 57 identify as Aboriginal and Torres Strait Islander families'.⁴²⁷
- The Mother and Baby Unit at Karinya House for pregnant women, mothers and families whose children are at risk of entering care provides additional supports.⁴²⁸

420 CSD response to ATSIIEB generic questions, November 2017, p.8.

421 CSD response to ATSIIEB generic questions, November 2017, p.8.

422 CSD response to ATSIIEB generic questions, November 2017, p.8.

423 CSD response to ATSIIEB generic questions, November 2017, p.8.

424 CSD response to ATSIIEB generic questions, November 2017, p.8.

425 CSD response to ATSIIEB generic questions, November 2017, p.9.

426 CSD response to ATSIIEB generic questions, November 2017, p.9.

427 CSD response to ATSIIEB generic questions, November 2017, p.9.

428 CSD response to ATSIIEB generic questions, November 2017, p.9.



- An evaluation of *A Step Up for Our Kids* will measure outcomes against the strategy's three strategic domains 'including measures specific to Aboriginal and Torres Strait Islander children, young people and their families'.⁴²⁹

Melaleuca Place

- Melaleuca Place is a Trauma Recovery Centre that 'supports some of the most vulnerable and traumatised children in the ACT, with referrals coming from Child and Youth Protection Services (CYPS)'.⁴³⁰
- As of 25 October 2017, 74 children had received intervention from Melaleuca Place including 31 Aboriginal and Torres Strait Islanders. Of the 36 active clients who are currently being supported by Melaleuca Place, '15 identify as Aboriginal and Torres Strait Islander'.⁴³¹

Public housing

- Public housing is the form of housing assistance 'most commonly provided' for Aboriginal and Torres Strait Islander clients. These 'applicants can access public housing through a priority category, where they are eligible'.⁴³²
- In 2016–17, '80 new Aboriginal and Torres Strait Islander public housing tenancies were created', representing 13.5 per cent of all new tenancies.⁴³³
- At 30 June 2017, 'there were 941 Aboriginal and Torres Strait Islander public housing tenancies' accommodating 'a total of 2,047 Aboriginal and Torres Strait Islander residents' and these tenancies represented about 'nine per cent of the total public housing tenancies'.⁴³⁴

Property Extension Program

- 5.6 In 2015–16, Housing ACT 'allocated \$1.05 million to address Aboriginal and Torres Strait Islander households experiencing overcrowding'. These funds were 'rolled over to the 2016–17 Capital Program' and 'two larger properties' were purchased to house Aboriginal and Torres Strait Islander families 'on the priority list due to overcrowding'.⁴³⁵

2 Implementation of the ACT Aboriginal and Torres Strait Islander Agreement

- 5.7 In its written response to the Elected Body's second generic question the directorate indicated that:
- All directorates 'including CSD have aligned their respective Aboriginal and Torres Strait Islander specific initiatives, and mainstream programs and services to the Agreement' and 'now report specifically on Aboriginal and Torres Strait Islander initiatives, programs and policies within their annual report'.⁴³⁶
 - The commitment to *A Step Up for Our Kids* 'supports the 'Strong Families: Connecting the Community' theme of the Agreement and forms part of the communication strategy for *A Step Up for Our Kids*. *A Step Up for Our Kids* 'seeks to improve the delivery of health, housing, economic and social services with the Aboriginal and Torres Strait Islander community' and this is 'the part of the Agreement which will become core business'.⁴³⁷

429 CSD response to ATSIEB generic questions, November 2017, p.10.

430 CSD response to ATSIEB generic questions, November 2017, p.10.

431 CSD response to ATSIEB generic questions, November 2017, p.10.

432 CSD response to ATSIEB generic questions, November 2017, p.10.

433 CSD response to ATSIEB generic questions, November 2017, p.11.

434 CSD response to ATSIEB generic questions, November 2017, p.11.

435 CSD response to ATSIEB generic questions, November 2017, p.11.

436 CSD response to ATSIEB generic questions, November 2017, p.11.

437 CSD response to ATSIEB generic questions, November 2017, p.11.



- The evaluation framework for *A Step Up for Our Kids* includes measuring outcomes and 'identifies measures specific to Aboriginal and Torres Strait Islander children, young people and their families'.⁴³⁸
- In 'support of the 'cultural identity' aspect of the Agreement, all children and young people who identify as Aboriginal or Torres Strait Islander, and who are placed in out of home care, have a Cultural Care Plan developed'. According to the response, a 'Cultural Care Plan ... supports the child or young person's cultural identity by facilitating and maintaining their connection to their family, including extended kin, and encouraging their connection with their culture through existing community relationships'.⁴³⁹
- The 'Aboriginal and Torres Strait Islander Child Placement Principle continues to guide decisions about placements for Aboriginal and Torres Strait Islander children and young people' and that for most 'this will mean kinship care placement with extended family'.⁴⁴⁰
- Housing ACT has aligned specific Aboriginal and Torres Strait Islander initiatives, as well as mainstream programs and services, to the Agreement' and reports this progress in the directorate's 'Traffic Light Status report'.⁴⁴¹

3 Aboriginal and Torres Strait Islander organisations and community

5.8 In its response to the Elected Body's third generic question the directorate indicated that:

- The 'ACT Relationship Principles' are:
 - respectful interaction with the community
 - work with different communities differently
 - increase value for the community
 - continuously improve the level of services delivered to Aboriginal and Torres Strait Islander communities
 - enable information sharing and interaction across the ACT Government and service partners.⁴⁴²
- A commitment to these principles is 'central' to the ACT Aboriginal and Torres Strait Islander Agreement's implementation plan.⁴⁴³
- Through the application of the ACT Relationship Principles:

*... the Agreement encourages open communication and inclusive involvement of all stakeholders, providing the basis for a working relationship between Aboriginal and Torres Islander communities and the ACT Government.*⁴⁴⁴

- An example of this was 'the development of the Agreement's Outcomes Reporting Framework' which the directorate led with 'significant consultation with Aboriginal and Torres Strait Islander stakeholders and service partners in the co-design of outcome performance measures'.⁴⁴⁵

5.9 In its response the directorate also provided information about the:

- inclusion of Aboriginal and Torres Strait Islander women and families among the priority groups included in the Family Safety Hub co-design⁴⁴⁶

438 CSD response to ATSIEB generic questions, November 2017, p.12.

439 CSD response to ATSIEB generic questions, November 2017, pp.11–12.

440 CSD response to ATSIEB generic questions, November 2017, p.12.

441 CSD response to ATSIEB generic questions, November 2017, p.12.

442 CSD response to ATSIEB generic questions, November 2017, p.12.

443 CSD response to ATSIEB generic questions, November 2017, p.12.

444 CSD response to ATSIEB generic questions, November 2017, p.12.

445 CSD response to ATSIEB generic questions, November 2017, p.12.

446 CSD response to ATSIEB generic questions, November 2017, p.12.



- involvement of Aboriginal and Torres Strait Islander representatives in the co-design of the ‘governance, communication, terms of reference and methodology’ of the review of Aboriginal and Torres Strait Islander children and young people involved in the ACT child protection system⁴⁴⁷
- involvement of Aboriginal and Torres Strait Islander organisations in the Growing Healthy Families programs — i.e. Winnunga and Gugan Gulwan⁴⁴⁸
- consulting with the Aboriginal and Torres Strait Islander community to ensure the effective implementation of *A Step Up for Our Kids*⁴⁴⁹
- Children and Families ACT program which includes ‘specialist support to children, young people and families in Aboriginal and Torres Strait Islander local communities across the ACT, through its Aboriginal Services and Development Unit, Jaanimili’⁴⁵⁰
- ‘Birth Families Advocacy Support Service provides support, information and advice empowering birth families to ... participate in the child protection process.’ Between July 2016 and June 2017, 25 per cent of families that accessed this service identified as Aboriginal and a further two per cent identified as both Aboriginal and Torres Strait Islanders⁴⁵¹
- work of the Cultural Services Team to provide supports for Aboriginal and Torres Strait Islander children and young people involved in the statutory child protection and youth justice system⁴⁵²
- Family Group Conference Pilot which focuses on diverting Aboriginal and Torres Strait Islander children and young people from the child protection and youth justice system⁴⁵³
- inclusion of Aboriginal and Torres Strait Islander people and organisations in consultations for the development of a new ACT Housing Strategy.⁴⁵⁴

4 Increased knowledge of agreement amongst staff

5.10 In its written response to the Elected Body’s fourth generic question the directorate indicated that:

*The ACT Aboriginal and Torres Strait Islander Agreement 2015–2018 (the Agreement) and the implementation of the Agreement is listed as a priority action in the Office for Aboriginal and Torres Strait Islander Affairs business plan, which all staff are aware of, including senior staff.*⁴⁵⁵

5.11 The response also advised that the ‘agreement has been promoted to all Community Services Directorate staff through the directorate Intranet page and website’ and that copies of the Agreement had ‘been circulated to staff at meetings and at Reconciliation Action Plan events’.⁴⁵⁶

5 Aboriginal and Torres Strait Islander staffing profile

5.12 In its written response to the Elected Body’s fifth generic question the directorate indicated that:

- at 28 June 2017 the Directorate employed 37 people who identified as Aboriginal and Torres Strait Islanders or 4.1 per cent of its total workforce of 892 staff⁴⁵⁷

447 CSD response to ATSIIEB generic questions, November 2017, p.13.

448 CSD response to ATSIIEB generic questions, November 2017, p.13.

449 CSD response to ATSIIEB generic questions, November 2017, p.13.

450 CSD response to ATSIIEB generic questions, November 2017, p.14.

451 CSD response to ATSIIEB generic questions, November 2017, p.14.

452 CSD response to ATSIIEB generic questions, November 2017, pp.14–15.

453 CSD response to ATSIIEB generic questions, November 2017, p.15.

454 CSD response to ATSIIEB generic questions, November 2017, p.16.

455 CSD response to ATSIIEB generic questions, November 2017, p.16.

456 CSD response to ATSIIEB generic questions, November 2017, p.16.

457 CSD response to ATSIIEB generic questions, November 2017, p.16.



- CSD had 17 identified Aboriginal and Torres Strait Islander positions⁴⁵⁸
- at 28 June 2017 the 37 Aboriginal and Torres Strait Islander staff included 15 males (40.5 per cent) and 22 females (59.5 per cent).⁴⁵⁹

5.13 The directorate also provided a table showing the classification levels of its Aboriginal and Torres Strait Islander staff as at 28 June 2017.⁴⁶⁰ This table is reproduced below.

Classification	Number
Youth Worker 1	1
Youth Worker 1/2	1
Administrative Services Officer 6	2
Administrative Services Officer 5	10
Administrative Services Officer 4	5
Administrative Services Officer 3	1
Administrative Services Officer 2	3
Senior Executive Officer	1
HP1	1
HP2	1
HP3	1
HP4	1
Senior Officer Grade A	1
Senior Officer Grade B	1
Senior Officer Grade C	7
Total	37

5.14 The response indicated that the directorate had the following professional development and retention opportunities in place:

- 'All staff should have an Individual Performance Agreement (IPA) in place. This IPA identifies individual professional development priorities as agreed through conversations between staff member and supervisor.'⁴⁶¹
- 'Studies Assistance may be offered to support professional development through formal study in a relevant field or professional role.'⁴⁶²
- 'The Aboriginal and Torres Strait Islander Career Development Program is a whole-of-government inclusion initiative aimed at supporting and retaining Aboriginal and Torres Strait Islander staff and promoting diversity in the ACT Public Service. The development program provides participants with an opportunity to build their leadership skills and plan their career path.'⁴⁶³

5.15 The directorate's response indicated that CSD was increasing Aboriginal and Torres Strait Islander representation by:

- 'When recruiting staff the . . . directorate utilises and adheres to the ACT Public Service Recruitment Guidelines, the Aboriginal and Torres Strait Islander People Employment Pathways, Aboriginal and Torres Strait Islander Career Development Program and the Graduate Program.'⁴⁶⁴

458 CSD response to ATSIIEB generic questions, November 2017, p.16.

459 CSD response to ATSIIEB generic questions, November 2017, p.16.

460 CSD response to ATSIIEB generic questions, November 2017, pp.16–17.

461 CSD response to ATSIIEB generic questions, November 2017, p.17.

462 CSD response to ATSIIEB generic questions, November 2017, p.17.

463 CSD response to ATSIIEB generic questions, November 2017, p.17.

464 CSD response to ATSIIEB generic questions, November 2017, p.17.



- 'When advertising for an identified position there is a requirement to have an Aboriginal and Torres Strait Islander person on the selection committee ... [and] vacancy advertisements are placed in the *Koori Mail* and *Our Mob*, amongst other media publications.'⁴⁶⁵
- The directorate supports the 'ACTPS Aboriginal and Torres Strait Islander Employment Framework ... supports Aboriginal and Torres Strait Islanders people and by 30 June 2019 commits the service to employing at least 407 people'.⁴⁶⁶
- The directorate promotes various employment pathways and programs, including the:
 - 'Aboriginal and Torres Strait Islander vocational employment program [which] aims at providing direct workplace learning and individualised flexible training and development'⁴⁶⁷
 - Graduate Program which has some positions 'designated to be filled with people from an Aboriginal or Torres Strait Islander background'.⁴⁶⁸

5.16 The directorate's response also provided information about various inclusion 'strategies and initiatives for Aboriginal and Torres Strait Islander people' including:

- the whole-of-government Aboriginal and Torres Strait Islander Career Development program⁴⁶⁹
- training for current and potential employees from diversity target groups⁴⁷⁰
- encouragement for staff to celebrate significant Aboriginal and Torres Strait Islander cultural events⁴⁷¹
- the Housing Manager Traineeship Program⁴⁷²
- Housing ACT's Total Facilities Management Contract with Spotless which employed 22 Aboriginal and Torres Strait Islander people in 2016–17.⁴⁷³

6 Aboriginal and Torres Strait Islander leadership

5.17 In its written response to the Elected Body's sixth generic question the directorate indicated that:

- Executive Staff members from the directorate 'attended a Cultural Appreciation Program of strategic cultural awareness training in May 2017'.⁴⁷⁴
- directorate-specific 'inclusion targets are determined annually by the Head of Service and are incorporated into Directors'-General Performance Agreement'.⁴⁷⁵
- the directorate provides 'a snapshot of progress against inclusion targets to its Board of Management'.⁴⁷⁶
- the directorate is 'working with key stakeholders to develop a package of support such as mentoring career planning for staff'.⁴⁷⁷

465 CSD response to ATSIIEB generic questions, November 2017, p.17.

466 CSD response to ATSIIEB generic questions, November 2017, p.17.

467 CSD response to ATSIIEB generic questions, November 2017, p.17.

468 CSD response to ATSIIEB generic questions, November 2017, p.17.

469 CSD response to ATSIIEB generic questions, November 2017, p.18.

470 CSD response to ATSIIEB generic questions, November 2017, p.18.

471 CSD response to ATSIIEB generic questions, November 2017, p.18.

472 CSD response to ATSIIEB generic questions, November 2017, p.18.

473 CSD response to ATSIIEB generic questions, November 2017, pp.18–19.

474 CSD response to ATSIIEB generic questions, November 2017, p.19.

475 CSD response to ATSIIEB generic questions, November 2017, p.19.

476 CSD response to ATSIIEB generic questions, November 2017, p.19.

477 CSD response to ATSIIEB generic questions, November 2017, p.19.



7 Management positions

- 5.18 In its written response to the Elected Body's seventh generic question the directorate indicated that:
- The directorate 'currently has one identified Aboriginal and Torres Strait Islander Senior Executive position.' The directorate 'supports aspiring executives through identifying ten Aboriginal and Torres Strait Islander Senior Officer positions in its FTE' and 'provides opportunities for staff to act in executive roles including the identified executive position when nominal officers are on leave'.⁴⁷⁸
 - The directorate 'has utilised a range of measures to increase Aboriginal and Torres Strait Islander leadership through the senior classifications' including:
 - talent identification by manager/supervisor and executives
 - performance management/development procedures
 - staff participation in development opportunities
 - succession planning/management
 - provision of studies assistance for Aboriginal and Torres Strait Islander people.⁴⁷⁹
 - 'Executives of CSD have targets for Aboriginal and Torres Strait Islander staff included in their Individual performance plans.'⁴⁸⁰

8 Focused and effective services

- 5.19 In its written response to the Elected Body's eighth generic question the directorate indicated that:

- Gugan Gulwan Youth Aboriginal Corporation is funded:

*... to deliver services to Aboriginal and Torres Strait Islander children, young people and their families to provide a safe and supportive environment where they may gather and discuss issues that concern them and gain access to information, referral, counselling and remedial services.*⁴⁸¹

- 'In 2016–17 Gugan Gulwan provided the following under their agreement:
 - 115 service participants were engaged in case management
 - 48 service participants from case management services were exited, after achieving identified needs
 - 1,270 Aboriginal and Torres Strait Islander young people participated in group programs
 - 115 children and young people were provided individual support through Youth Engagement Services
 - 21 service participants were supported through Therapeutic Services.'⁴⁸²
- The Canberra Rape Crisis Centre—Nguru Program:

*... provides culturally-appropriate counselling for members of the Aboriginal and Torres Strait Islander community who have experienced sexual assault, and their families. The program aims to help service users assess their circumstances and relationships, and to plan for the future.*⁴⁸³

- In 2016–17 the Nguru program provided:
 - 94 crisis call outs and crisis appointments
 - 4,338 telephone crisis and counselling calls

478 CSD response to ATSIEB generic questions, November 2017, p.19.

479 CSD response to ATSIEB generic questions, November 2017, p.19.

480 CSD response to ATSIEB generic questions, November 2017, p.19.

481 CSD response to ATSIEB generic questions, November 2017, p.20.

482 CSD response to ATSIEB generic questions, November 2017, p.20.

483 CSD response to ATSIEB generic questions, November 2017, p.20.



- 754 counselling and support sessions
- 65 community engagements sessions, with a total of 2,202 participants.
- individualised supports to 299 service users.⁴⁸⁴
- The Aboriginal and Torres Strait Islander Job Readiness Support Program (ConnXtions Program) is delivered by Northside Community Service 'in partnership with the CIT Yurauna Centre'. The program 'provides participants with nationally-recognised training and Certificate III qualifications in Community Services'. It is 'designed to prepare Aboriginal and Torres Strait Islander people for employment and further training opportunities' and 'includes ongoing wrap-around support to members of local Aboriginal and Torres Strait Islander communities'.⁴⁸⁵
- From July to December 2016, '14 participants attended the course. Of these 14, seven students graduated in December 2016 and went on to further study, and seven students joined the new cohort of students moving forward to 2017'.⁴⁸⁶
- In 2016–17 the Participation (Digital Communities) Grants Program provided funds to Beryl Women Incorporated and Indigenous Reading Project Ltd.⁴⁸⁷
- Cultural grants, scholarship grants and leadership grants are provided through the Aboriginal and Torres Strait Islander Grants Program that is managed by the Office for Aboriginal and Torres Strait Islander Affairs.⁴⁸⁸
- The Growing Healthy Families program is delivered through three ACT Government Child and Family Centres and has achieved 'positive outcomes'.⁴⁸⁹
- Narrabundah House Supported Residential Facility:

... provides support to Aboriginal and Torres Strait Islander males aged 15–18 years who are at risk of entering the justice system, or who have left custody and are experiencing challenges with education, training and stable accommodation'.⁴⁹⁰

- During 2016–17 Narrabundah House accommodated 19 young men of whom 11 identified as Aboriginal and Torres Strait Islander.⁴⁹¹
- Bimberi 'is responsible for the care of children and young people on remand or on committal orders in the ACT'. It employs a designated Aboriginal and Torres Strait Islander Family Engagement Officer.⁴⁹²
- EveryMan and Toora: Indigenous Boarding House Network and Indigenous Program:

The Indigenous Boarding House Network uses six homes to provide short-term temporary accommodation for people coming to the ACT for specific reasons. The program provides accommodation for mature aged Aboriginal and Torres Strait Islander students and student couples with children. It supports families from interstate who have relatives in hospital or in ACT correctional facilities, lesbian, gay, bi-sexual, transgender, and Aboriginal and Torres Strait Islander people requiring intensive parenting support with care and protection involvement. In 2016–17, funding for this program was \$305,953 (GST exclusive).

484 CSD response to ATSIEB generic questions, November 2017, p.20.

485 CSD response to ATSIEB generic questions, November 2017, p.21.

486 CSD response to ATSIEB generic questions, November 2017, p.21.

487 CSD response to ATSIEB generic questions, November 2017, p.21.

488 CSD response to ATSIEB generic questions, November 2017, pp.21–22.

489 CSD response to ATSIEB generic questions, November 2017, p.22.

490 CSD response to ATSIEB generic questions, November 2017, p.22.

491 CSD response to ATSIEB generic questions, November 2017, p.22.

492 CSD response to ATSIEB generic questions, November 2017, pp.22–23.



*The Indigenous Program provides supported accommodation and case management for Aboriginal and Torres Strait Islander families at risk of, or experiencing homelessness... In 2016–17, the Indigenous Program received \$368,253 (GST exclusive) in funding.*⁴⁹³

- In 2016–17, Winnunga Nimmityjah was funded by the directorate to provide the:
 - Home Maintenance Program—in 2016–17 this program ‘provided 926 instances of home maintenance assistance’
 - Housing Liaison Service—in 2016–17 this service ‘provided 631 occasions of services’.⁴⁹⁴
- Gugan Gulwan Young Person’s Program provided support to 16 young Aboriginal and Torres Strait Islander young people in 2016–17.⁴⁹⁵

9 Effective policy development and policy impact

5.20 In its written response to the Elected Body’s ninth generic question the directorate provided information about:

- the Job Readiness Support
- Youth justice
- Out of home care
- Housing, including housing for Aboriginal and Torres Strait Islander older people.⁴⁹⁶

5.21 These are considered below.

Job Readiness Program

5.22 In relation to job readiness, the directorate’s response stated:

In 2016–17, 33 participants enrolled in the Aboriginal and Torres Strait Islander Job Readiness Support Program, known as the ConnXtions Program, which provides nationally recognised job-ready training and ongoing wrap-around support to members of local Aboriginal and Torres Strait Islander communities. Participants are able to gain accredited training in Community Services (Certificate III).⁴⁹⁷

Youth Justice

5.23 In relation to youth justice the directorate’s response stated:

The over-representation of Aboriginal and Torres Strait Islander people in youth justice is being addressed through the Blueprint for Youth Justice in the ACT 2012–22... CSD initiatives contributing to the downward trend include the After Hours Crisis and Bail Support Service, Narrabundah House, case management in Child and Youth Protection Services and support for young detainees to transition back into the community.⁴⁹⁸

493 CSD response to ATSIIEB generic questions, November 2017, p.23.

494 CSD response to ATSIIEB generic questions, November 2017, p.23.

495 CSD response to ATSIIEB generic questions, November 2017, p.23.

496 CSD response to ATSIIEB generic questions, November 2017, pp.23–26.

497 CSD response to ATSIIEB generic questions, November 2017, pp.23–24.

498 CSD response to ATSIIEB generic questions, November 2017, p.24.



Out of Home Care Strategy 2015–20

5.24 In relation to the out of home care strategy the directorate's response stated:

A Step Up for Our Kids has commissioned a new service system of intensive, individualised support for families to prevent children coming into care or return them home as soon as it is safe to do so. This service system has a specific focus on keeping Aboriginal and Torres Strait Islander families together with a view to specifically reduce the amount of Aboriginal and Torres Strait Islander children coming into care.⁴⁹⁹

Housing for Aboriginal and Torres Strait Islander older people

5.25 In relation to housing for Aboriginal and Torres Strait Islander older people the response stated:

Housing ACT provided ... \$2.1 million for the construction of five two-bedroom Class C Adaptable dwellings. In February 2016, construction commenced on five two-bedroom units, designed specifically for older Aboriginal and Torres Strait Islander people. On 5 February 2016, a Smoking Ceremony was held on site. On 7 September 2016, a "soft opening" of the complex was held and its official name "Mura Gunya" was announced.⁵⁰⁰

5.26 The response also stated:

The ACT Government is providing \$250,000 in funding to undertake feasibility planning for the location and early design of a second Aboriginal and Torres Strait Islander older person's housing development.⁵⁰¹

10 Budget allocations to programs, services and clients

5.27 In its written response to the Elected Body's tenth generic question the directorate indicated that:

5.28 Aboriginal and Torres Strait Islander people are assisted by a broad spectrum of funded human services—including services for people with a disability, out of home care, Child and Family Centres—and are part of the overall funding appropriated for the directorate.⁵⁰²

5.29 In the 2016–17 budget:

The percentage of directorates' budget allocated to Aboriginal and Torres Strait Islander programs, services and clients is \$2.6 million or 0.94 per cent of the 2016–17 budget.⁵⁰³

5.30 These funds included:

- \$149,000 to forge stronger connections with the Aboriginal and Torres Strait Islander community in Canberra, so they are able to share their views and concerns on matters of significance with the government
- \$107,000 to offer additional mentoring and training to Aboriginal and Torres Strait Islander staff in the ACT public service
- \$60,000 for grants and programs that celebrate Aboriginal and Torres Strait Islander culture
- \$60,000 for the Aboriginal and Torres Strait Islander leadership grants

499 CSD response to ATSIIEB generic questions, November 2017, p.24.

500 CSD response to ATSIIEB generic questions, November 2017, p.26.

501 CSD response to ATSIIEB generic questions, November 2017, p.26.

502 CSD response to ATSIIEB generic questions, November 2017, pp.26–27.

503 CSD response to ATSIIEB generic questions, November 2017, p.27.



- \$258,000 for the Aboriginal and Torres Strait Islander job readiness program
- \$100,000 for the Aboriginal and Torres Strait Islander scholarship program
- \$100,000 to provide a new portal for Aboriginal and Torres Strait Islander peoples to access information on indigenous issues across ACT Government.⁵⁰⁴

5.31 The directorate's response also indicated that:

- the Elected Body is funded through OATSIA
- of the \$2.6 million budget, \$1.9 million is allocated for OATSIA's salary and wages
- Growing Healthy Families program was allocated \$624,000 in 2015–16 and \$640,000 in 2016–17. Additional funds of \$502,000 were allocated in 2017–18 to consolidate the program with the Health, Education, and Justice and Community Safety directorates
- \$1,002,645 was provided for Aboriginal and Torres Strait Islander specialist homelessness service delivery in 2016–17.

11 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff

5.32 In its response to the Elected Body's eleventh generic question the directorate indicated that:

The Community Services Directorate supports the career development of all staff and encourages staff to take an active role in pursuit of individual learning and development opportunities. CSD has fully adopted the ACT Government Performance Framework which supports all staff development.

CSD is working on an assistance package for Aboriginal and Torres Strait Islander staff that include a specific CSD staff network and other measures.⁵⁰⁵

12 Aboriginal and Torres Strait Islander cultural awareness training

5.33 In its response to the Elected Body's twelfth generic question the directorate indicated that:

Aboriginal and Torres Strait Islander cultural awareness training is offered to all staff and they are encouraged to complete this training when they commence working with CSD, if not already completed prior to working at CSD [and that a] total of 68 staff attended the training in the last financial year.

5.34 It also stated:

Community Services Directorate has recently introduced a new cultural awareness eLearning package for all staff in conjunction with the Australian Institute of Aboriginal and Torres Strait Islander Studies for implementation in 2018. This has been identified as core learning for all CSD staff.⁵⁰⁶

13 Building on knowledge obtained through cultural awareness training

5.35 In its response to the Elected Body's thirteenth generic question the directorate indicated that:

The executive team actively celebrate and promote significant Aboriginal and Torres Strait Islander cultural events and encourage staff to participate throughout the year.

504 CSD response to ATSIEB generic questions, November 2017, p.27.

505 CSD response to ATSIEB generic questions, November 2017, p.28.

506 CSD response to ATSIEB generic questions, November 2017, p.28.



5.36 It also stated:

CSD's third Reconciliation Action Plan, the 2014–17 Stretch RAP continues to expand many of the previous actions with a specific focus on building cultural proficiency, encouraging personal reconciliation journeys and increasing joint reconciliation initiatives with our community partners.

5.37 In addition, it stated:

CSD hosted and supported the celebration of a variety of NAIDOC week activities. These events are a collaborative effort by community organisations, government, business and community members and are a time to celebrate Aboriginal and Torres Strait Islander history, culture and achievements.⁵⁰⁷

Hearings

5.38 Officers of the Community Services Directorate appeared before the Elected Body in hearings on 14 March 2018.

Matters considered

5.39 Matters considered in the course of the hearings included:

- Aboriginal and Torres Strait Islander events attended by the Minister⁵⁰⁸
- cultural awareness training⁵⁰⁹
- employment of Aboriginal and Torres Strait Islander people⁵¹⁰
- support services for Aboriginal and Torres Strait Islander individuals and families with a disability⁵¹¹
- strategies to ensure inclusive consultation to improve programs and services⁵¹²
- strategies to respond to family violence⁵¹³
- care and protection⁵¹⁴
- *A Step Up for Our Kids* and out of home care⁵¹⁵
- housing responses⁵¹⁶
- the Aboriginal and Torres Strait Islander Cultural Centre.⁵¹⁷

⁵⁰⁷ CSD response to ATSIIEB generic questions, November 2017, p.29.

⁵⁰⁸ ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.59–60.

⁵⁰⁹ ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.64–67.

⁵¹⁰ ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.68–71.

⁵¹¹ ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.60–64.

⁵¹² ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.71–72.

⁵¹³ ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.71–72.

⁵¹⁴ ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.75–77.

⁵¹⁵ ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.79–88.

⁵¹⁶ ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.89–93; 96–97.

⁵¹⁷ ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.94–95.



Key issues

Aboriginal and Torres Strait Islander Events attended by the Minister

- 5.40 During the hearings of 14 March 2018 the Elected Body asked directorate representatives how many Aboriginal and Torres Strait Islander specific events the Minister had attended over the last three years.⁵¹⁸
- 5.41 During discussion, a number of community events attended by the Minister were referred to including Reconciliation Day,⁵¹⁹ the opening of Mura Gunya,⁵²⁰ the Indigenous showcase event at the National Multicultural Festival,⁵²¹ and community events during NAIDOC Week.⁵²² However, to provide 'a more coherent response', the question was taken on notice.⁵²³
- 5.42 The response to this Question Taken on Notice provided a list of 26 Aboriginal and Torres Strait Islander events which the Minister for Aboriginal and Torres Strait Islander Affairs attended from 9 December 2016 to 25 January 2018.⁵²⁴
- 5.43 Discussion followed regarding events attended by the Director-General.
- 5.44 The Director-General advised that these included 'about five events during NAIDOC Week ... I certainly met with Winnunga and have been to meetings in relation to the particular review work we have underway. There have been a number of meetings with the Elected Body representative. I have been out to the cultural centre ... cultural training ... I would be very happy to provide a list'.⁵²⁵

Cultural awareness training

- 5.45 During the hearings the Elected Body also asked questions regarding the cultural awareness training that was provided to employees as well as the directorate's cultural awareness strategy.
- 5.46 During discussion, the Director-General said that:
- one of his responsibilities is to ensure that all senior executives are 'appropriately culturally aware.' He said an all-day training session for all executives had been held 12 months ago⁵²⁶
 - all executives take cultural awareness seriously in regard to work undertaken to support Aboriginal and Torres Strait Islander people and this was demonstrated in some of the initiatives that had come out of the directorate⁵²⁷
 - he spoke to all staff at a 'town hall type meeting' in 2017 about cultural awareness being a 'major priority for the directorate and that everybody was to take it as a special consideration in making a difference in the space'.⁵²⁸
- 5.47 The Executive Director, Children, Youth and Families, then told the Elected Body about the 'cultural development program' in child and youth protection services and outlined various aspects of the program.

518 ATSIAB, *Transcript of evidence*, 14 March 2018, p.59.

519 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.59.

520 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, p.59.

521 Ms Jacinta Evans, *Transcript of evidence*, 14 March 2018, p.59.

522 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.59.

523 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.59.

524 Mrs Bernadette Mitcherson, Response to Question Taken on Notice at hearings of 14 March 2018, signed 11 April 2018.

525 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.60.

526 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.64.

527 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.64.

528 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.64.



- 5.48 The Executive Director said that the program was ‘one of the constellations of changing culture in terms of growing capability and the outcomes of how we interact and engage with Aboriginal people in the community’. He said that it also includes ‘attempting to increase our employment and support of Aboriginal staff . . . as well as knowing what we cannot do, and engaging with organisations which have the cultural knowledge and cultural capability, such as the *Our Booris, Our Way* review’.⁵²⁹
- 5.49 He also said that the cultural development program is ‘a six-month program, which includes a day on country with a Ngunnawal ranger. And we go to country for our staff. It includes a focus conversation element on an ongoing basis with our cultural services team and others. It includes going into community and talking with people in Aboriginal organisations to investigate and explore issues that have come out of those conversations.’ He also referred to ‘core training . . . that we want everyone to go through’ and that 117 out of about 160 frontline staff had completed the training. In addition, he said that this was included in ‘a comprehensive individual performance agreement structure and supervision structure that seek feedback and knowledge from this’.⁵³⁰
- 5.50 In regard to outcomes, he said that the ‘outcomes we want to see out of these programs are actually service outcomes . . . like [improving] the extent of converting referrals into the family group conferencing trial or into actual family group conferences. For families to come into our early intervention programs at an earlier phase would be one of the things that would be a proxy marker for whether this works as a cultural change’.⁵³¹
- 5.51 The Director, People Management, Corporate Services, then told the Elected Body that the directorate had ‘worked very closely with AIATSIS in terms of taking on core training’ which is ‘considered a core competency within CSD’ and is ‘monitored through the performance agreement process’. However, she advised that it did not include Ngunnawal content at this stage, but conversations have commenced with AIATSIS about this.⁵³²
- 5.52 The Director also referred to 40 people who had undertaken induction training and to 100 who had completed the introduction to cultural proficiency overlay. In addition, she spoke of face-to-face courses for staff who worked closely with Aboriginal and Torres Strait Islander clients. She also mentioned work being undertaken at Child and Family Centres.⁵³³
- 5.53 In relation to evaluations, the Director said that ‘it is very difficult to actually assess the behavioural change in individuals’.⁵³⁴
- 5.54 The Director-General then said that a very important message had been given to people in the directorate, and that is ‘What initiative are you taking to make yourself culturally aware and to operate with culturally-appropriate practices?’.⁵³⁵

529 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.65.

530 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.65.

531 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, pp.65–66.

532 Ms Christine Murray, *Transcript of evidence*, 14 March 2018, p.67.

533 Ms Christine Murray, *Transcript of evidence*, 14 March 2018, p.67.

534 Ms Christine Murray, *Transcript of evidence*, 14 March 2018, p.67.

535 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.67.



Employment of Aboriginal and Torres Strait Islander people

- 5.55 During the hearing the Elected Body asked what the directorate was doing to support 'the ongoing professional development of Aboriginal and Torres Strait Islander employees'.⁵³⁶
- 5.56 The Director, People Management, Corporate Services advised that Aboriginal and Torres Strait Islander staff had indicated that they wanted more than a CSD staff network and that the focus was on co-designing a bespoke package of support. In terms of mentoring, for example, it may mean stepping back and 'looking at the whole person rather than looking from just a workplace perspective'.⁵³⁷
- 5.57 In response to a question about strategies for succession planning, the Director outlined how positions were advertised internally, through the jobs website or more broadly if the position is permanent and that work had been undertaken on a case-by-case basis with Aboriginal and Torres Strait Islander staff. As to the number who had been assisted in this way and the time period, this question was taken on notice.⁵³⁸
- 5.58 The Elected Body also heard that conversations had been undertaken with the head of PM&C about secondment opportunities between the Commonwealth and state public service Aboriginal and Torres Strait Islander staff, as well as how the directorate could 'leverage off the greater resource that the commonwealth has in terms of professional development and learning for Aboriginal and Torres Strait Islander public servants'.⁵³⁹
- 5.59 The Elected Body and directorate representatives also discussed what was being done to 'identify talented Aboriginal and Torres Strait Islander staff across the ACT public service as an opportunity for temporary transfers'. During the discussion the Director, People Management, advised that there had been a focus 'on ensuring that positions outside direct client-facing roles have been identified as Aboriginal and Torres Strait Islander' and that 18 positions across the directorate are identified. A question whether these positions were currently filled was taken on notice.⁵⁴⁰

Support services for individuals and families with a disability

- 5.60 The Elected Body was also interested to hear how the directorate provided support services for Aboriginal and Torres Strait Islander individuals and families with a disability.⁵⁴¹
- 5.61 The Executive Director, Inclusion and Participation, told the Elected Body that in recent years the directorate had 'transitioned increasingly to the NDIS to provide individual support to people'. She said that it had been 'a significant change' for the community and particularly for Aboriginal and Torres Strait Islander people. She also said that much of the work had been 'facilitated through the partnership with Gugan Gulwan.' The Executive Director stated:

*Approximately 250–260 Aboriginal and Torres Strait Islander people who are receiving an individual funding package are members of the scheme within the ACT.*⁵⁴²

- 5.62 When the Elected Body expressed concern that 'for many of those packages not a dollar has been spent' the Executive Director spoke about changes 'that are happening'. She explained that the directorate was 'working very closely with the NDIA' noting that the transition had involved people who had 'not previously experienced this kind of self-management of their packages' or 'engaged with someone to case manage their

536 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.68.

537 Ms Christine Murray, *Transcript of evidence*, 14 March 2018, p.69.

538 Ms Christine Murray, *Transcript of evidence*, 14 March 2018, pp.69–70.

539 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.70.

540 Ms Christine Murray, *Transcript of evidence*, 14 March 2018, pp.70–71.

541 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.60.

542 Ms Jacinta Evans, *Transcript of evidence*, 14 March 2018, p.59.



package'.⁵⁴³ The Executive Director also explained that efforts were made to advocate strongly 'for increased area coordinators who would help people to find the right services and to engage with those services'. She also said that suggestions were made to the NDIA that they should consider, when a package was being developed, about which families may actually benefit from having a funded support worker'.⁵⁴⁴

- 5.63 As to determining the number of people who are taking advantage of the packages allocated, the Executive Director told the Elected Body that she 'would have to go back to the NDIS' but that efforts had been increased to ensure people did so 'because it did not really meet their milestones if people are not drawing on their packages'.⁵⁴⁵ However, she agreed to provide additional information about this since the establishment of the NDIS, as well as about the improvement in the strike rate.⁵⁴⁶
- 5.64 The Executive Director, Children, Youth and Families, spoke to the Elected Body about the 'Child Development Service' which 'provides significant support to families of children in the zero–six range for whom there are developmental difficulties or delays that do not go on necessarily to get an NDIS package. He said that, '130 Aboriginal and Torres Strait Islander children received that brief intervention service that led to early intervention' in the last year. In addition, he said that during the first two quarters of the current year, there was about 120, which he said was 'a bit of a success'.⁵⁴⁷
- 5.65 The Executive Director, Housing, then told the Elected Body about almost 1,000 tenancies provided to Aboriginal and Torres Strait Islander ... and 'about 25 per cent of these who have told us ... we are supporting them with a disability'.⁵⁴⁸ She went on to explain that these tenancies included 2,046 people and that about 450 have 'some form of disability'.⁵⁴⁹
- 5.66 The Elected Body was also interested to know how the directorate was working with individuals and families to ensure they had 'culturally-safe in-home support, including for those families that are carers'.⁵⁵⁰
- 5.67 In response, the Executive Director, Inclusion and Participation, said that this 'could be one of our early transitional gaps'. She explained that there are no Aboriginal and Torres Strait Islander run disability services in the ACT' even though funding was available. She said that in the interim, ACTCOSS had the Gulunga program.⁵⁵¹ As to the plan, she told the Elected Body that the directorate would continue to work with organisations that are already established in the ACT and ... continue to try to attract organisations'.⁵⁵²
- 5.68 Discussion during the hearing then focused on efforts through a grants program with funds available to look at how to support new and emerging organisations, particularly in the human services area. In addition, the Executive Director, Strategic Policy, referred to developing 'a policy position' regarding 'developing capability and capacity in Aboriginal and Torres Strait Islander organisations more broadly'.⁵⁵³
- 5.69 During discussion, the Elected Body highlighted that 'so many of these organisations now need to compete in a fee-for-service market'. The Executive Director, Strategic Policy, agreed and said: '... it is actually looking at what is the business model you need ... Under the disability services with the NDIS, it is a very particular model that needs to be implemented to actually support a sustainable and functioning organisation'.⁵⁵⁴

543 Ms Jacinta Evans, *Transcript of evidence*, 14 March 2018, p.60.

544 Ms Jacinta Evans, *Transcript of evidence*, 14 March 2018, p.61.

545 Ms Jacinta Evans, *Transcript of evidence*, 14 March 2018, p.61.

546 ATSIEB, *Transcript of evidence*, 14 March 2018, p.61.

547 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.61.

548 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, p.61.

549 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, p.62.

550 ATSIEB, *Transcript of evidence*, 14 March 2018, p.62.

551 Ms Jacinta Evans, *Transcript of evidence*, 14 March 2018, p.62.

552 Ms Jacinta Evans, *Transcript of evidence*, 14 March 2018, p.62.

553 Ms Anne-Maree Sabellico, *Transcript of evidence*, 14 March 2018, p.63.

554 Ms Anne-Maree Sabellico, *Transcript of evidence*, 14 March 2018, p.63.



- 5.70 The Director-General then stated: 'We have an acute interest in the establishment of and the support of strong, viable Aboriginal-controlled community organisations across the board. I think we would collectively agree that across the Territory there is more work to do in this space'.⁵⁵⁵

Strategies to ensure inclusive consultation to improve programs and services

- 5.71 In response to a question about what the directorate was doing, apart from the Elected Body, 'to ensure inclusive consultation and seek feedback to improve its services and programs' for the community, the Director-General stated:

*We have kind of put it out there to demonstrate that government wishes to work in a new way, acknowledging that some past methods have clearly not been as effective as we would like and certainly looking to adhere to some principles around self-determination.*⁵⁵⁶

- 5.72 The Director-General then spoke about the review into young people in the statutory system and stated:

... we have clearly put forward the proposition that this would be Aboriginal-led, so the steering committee comprises entirely Aboriginal and Torres Strait islander representatives. We were absolutely true to the fact that we would not do the classic public service thing where we would put up even draft terms of reference. We wanted that to really come from community. Those terms of reference have just been finalised by that group of people.

*We really look forward to their work, going forward. They will provide advice to the directorate and through to the Minister about system improvements. We will also respond to that advice along the way, rather than waiting for final reports, which is also a bit different to how things have been done in the past. That reflects the critical nature of the work and how serious we are about wanting to make a difference in this space.*⁵⁵⁷

- 5.73 In relation to Child and Family Centres, the Executive Director, Children, Youth and Families, told the Elected Body about the Growing Healthy Families program. He said that the 'basis of that is in fact an engagement community building program'. He referred to some of the 'less formalised' strategies used in the program, including 'celebrations for children', a barbecue in Tuggeranong where people agreed that 'the community did not have access to a 'learn to swim' program'.⁵⁵⁸ He said that the Growing Healthy Families program had engaged in this way with 176 families, including over 400 children since its inception.⁵⁵⁹

- 5.74 The Executive Director also talked about a strategy of looking to access capability in the Aboriginal community. He said that the family conferencing trial with Curijo was an example of that, with Curijo, as it had 'essentially been designed and led by the capability that was in that Aboriginal and Torres Strait Islander run business'.⁵⁶⁰

- 5.75 The Executive Director, Housing, then told the Elected Body about four ways in which the ACT Housing Trust had or continued to engage with the Aboriginal and Torres Strait Islander community. These included:

- engagement with the Elected Body to progress the projects for the construction of housing for older Aboriginal and Torres Strait Islander people
- consultation undertaken in 2017 for the Housing Strategy, which involved engaging with the Elected Body and conducting focus groups with Aboriginal and Torres Strait Islander service providers

555 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.64.

556 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.71.

557 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.71.

558 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.71.

559 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.72.

560 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.72.



- ongoing engagement with the CSD representative
- ongoing relationships that senior staff have across the community.⁵⁶¹

5.76 The Director-General stated:

*... I think the message from us today is that we are absolutely committed to trying to do this differently. That means we have to step back from traditional processes and be advised and led by the community. That is a discipline, and actually I think it is a discipline all round.*⁵⁶²

Strategies to respond to family violence

- 5.77 During the hearing, the Elected Body asked questions about the strategies being implemented 'to heal individuals and families who experience family violence' as well as the impact that funding cuts in crisis accommodation was having on Aboriginal and Torres Strait Islander clients.⁵⁶³
- 5.78 The Director-General responded by saying that it is 'a fairly comprehensive response in terms of the work that has been completed in the family safety package work. I know there has been extensive consultation there and engagement with the Aboriginal and Torres Strait Islander community.' He said that additional information about what had taken place there would be provided on notice.⁵⁶⁴
- 5.79 In relation to funding cuts flowing from the Commonwealth around 2012–13, the Executive Director, Housing, told the Elected Body that census data just released by the ABS shows that 'the ACT is actually bucking the trend in that crisis service provision, that specialist homelessness. Where we have seen an increase across Australia in terms of homelessness, we have actually seen a decrease in our own sector, and that is credit to the sector. ... They did a co-design process which meant they could intervene early'.⁵⁶⁵
- 5.80 The Executive Director went on to say that 'the service areas that were hit hardest were Beryl, Doris and Toora. We have continued to top up their funding for the last three years and are looking to lock that in as part of the negotiations we are currently undertaking with the Commonwealth on the new Housing and Homelessness Agreement'.⁵⁶⁶

Care and protection

- 5.81 Noting the importance of family in the placement of children in care, the Elected Body asked whether the directorate explored all placement options for children who come into care, including the nuclear family, extended family and community.⁵⁶⁷
- 5.82 The Executive Director, Children, Youth and Families, stated:

*We do prioritise in time of emergency action, and other times, to move young people within their direct family or extended family as a priority. Our actual first priority is obviously to preserve the family and to restore the children to the family, should that be safe. Where that is not safe and children need to be in another family situation, the preference is for family. The recent data from AIHW shows we have about 60 per cent of all Aboriginal children in out of home care in a kinship placement, which is actually a higher rate than for other children in the system.*⁵⁶⁸

561 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, p.72.

562 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.72.

563 ATSIEB, *Transcript of evidence*, 14 March 2018, p.74.

564 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.74.

565 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, pp. 74–75.

566 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, p.75.

567 ATSIEB, *Transcript of evidence*, 14 March 2018, p.75.

568 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.76.



5.83 However in terms of outcomes he said, 'I think we can do better'. He then went on to tell the Elected Body how the family group conferencing trial 'shifted' their thinking 'in terms of trying to engage earlier and not get into a court process or court order process at all'. He said that the evidence showed that:

*... extended families, where we put that effort in, have all been able to come up with a solution, whether that placement is a kinship placement or whether it is support for the child back into the original home, and they have been able to form that agreement independent of government.*⁵⁶⁹

5.84 Later in the hearing, there was further discussion about the family group conferencing trial. In particular, the Elected Body said that it had been told that up to nine children have been removed from Aboriginal and Torres Strait Islander families in the past 12 months. However, it said that the family group conferencing program had commenced in that time. The Elected Body then requested an update about the program.⁵⁷⁰

5.85 The Executive Director, Children, Youth and Families, told the Elected Body that the trial commenced in November 2017 and that four completed family group conferences had impacted on 16 children some of whom were not in the child protection system and family plans were put in place.

A Step Up for Our Kids and out of home care

5.86 In relation to the 'A Step Up for Our Kids' Strategy, the Elected Body was interested to hear about the 'engagement of independent cultural advisers to provide advice on placement decisions and cultural plans'.⁵⁷¹

5.87 The Elected Body heard that this was 'not successful'. The Executive Director, Children, Youth and Families, advised the Elected Body that 'a panel of five cultural advisers were formed and trained, and policy was enacted around that. The advice quickly was from the cultural advisers that, first of all, the extent of the work was not what they thought it would be; they thought this would be a role in terms of a job opportunity that could be worked as employment placement. They felt immediate engagement with them was not possible'.⁵⁷²

5.88 He said that four advisers resigned, and the approach was changed on the basis of advice from two members of the former Elected Body. However, he also told the Elected Body that a question arose about what 'independent' meant in this context, as the advisers were internal to CYPS. He told the Elected Body that the issue was a 'stumbling block'.⁵⁷³ He stated:

*One of the issues around the review is that the independent cultural adviser was always meant to be a stepping stone to a level of self-determination beyond advice. It was about how we might move to a more formalised and sustainable and community-driven approach to providing responses to children in the child protection system.*⁵⁷⁴

5.89 He went on to say that in other jurisdictions, independent advice is gained through standalone Aboriginal and Torres Strait islander organisations 'but usually, it has not been at the advice level; it has been at the level of actual provision of a service'.⁵⁷⁵

569 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.76.

570 ATSIEB, *Transcript of evidence*, 14 March 2018, p.77.

571 ATSIEB, *Transcript of evidence*, 14 March 2018, p.79.

572 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.79.

573 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.79.

574 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.79.

575 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.79.



- 5.90 The Executive Director stated that it was 'an attempt to bridge a service gap' and a learning was that independence means independence; it does not mean driven from inside child protection. The solution has to arrive from outside'.⁵⁷⁶
- 5.91 In relation to the number of children in out of home care with cultural plans in place, the Elected Body was advised that this was 87 per cent⁵⁷⁷ and that the cultural services team plays a key role in this area.⁵⁷⁸ The Elected Body was also told that planned IT changes would enable those plans to be integrated with care plans. With regard to children in long term care, the Elected Body was told that ACT Together delivers 'support and case management' and is 'responsible for developing and implementing cultural plans for kids in long-term care'.⁵⁷⁹ As to a question about the proportion of children receiving care from ACT Together who have cultural plans, the question was taken on notice.⁵⁸⁰
- 5.92 At this point in the hearing, the Elected Body referred to *The Family Matters 2017* report in which it was reported 'that the ACT Government will continue to work with the established and emerging community-controlled organisations 'to strengthen the delivery of culturally-strong services for Aboriginal and Torres Strait Islander [children and] young people.'⁵⁸¹ The Elected Body asked how the ACT Government was working with the existing organisations to strengthen the delivery and what funding was being provided for this.⁵⁸²
- 5.93 In response, the Executive Director, Children, Youth and Families, referred to the work and funding agreement for Gugan Gulwan, and the work the directorate does with Winnunga, and stated:
- I think there is a strong preference from government to start building the capability and capacity within the Aboriginal childcare organisation sector, given there are only two at the moment—within those two organisations—as well as, I assume, to look at other potential developments within that as we move forward.*⁵⁸³
- 5.94 As to the question about needing new organisations as well as building capability in and transitioning existing organisations the Executive Director said:
- Part of the answer is really uncomfortable for government. We are used to very much coming up with a solution to things and saying, 'We want that solution'. This is about saying, 'tell us what that architecture should look like and how we should move towards that'. That goes to... [the Director-General's] reference earlier about how, right across government, we need to develop those capabilities. There are conversations all the time about how we can make small steps in this regard whilst that architecture is developing.*⁵⁸⁴
- 5.95 The Director-General then told the Elected Body:
- We also recognise that, that approach actually puts a lot of pressure back on the Aboriginal and Torres Strait Islander community and key representatives like yourselves. I think we have to be a bit concerned. Yes, from feedback we have had, we acknowledge and agree with*

576 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, pp.79–80.

577 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.80.

578 Ms Helen Pappas, *Transcript of evidence*, 14 March 2018, p.80.

579 Ms Helen Pappas, *Transcript of evidence*, 14 March 2018, p.81.

580 Ms Helen Pappas, *Transcript of evidence*, 14 March 2018, p.81.

581 SNAICC—National Voice of Our Children et al, *The Family Matters Report 2017, Measuring trends to turn the tide on the over-representation of Aboriginal and Torres Strait Islander children in out of home care in Australia*. See www.familymatters.org.au/wp-content/uploads/2017/11/Family-Matters-Report-2017.pdf [accessed 7 June 2018]. For the ACT Government's comments in relation to 'data gaps' which makes reference to its work with new and established community-controlled organisations, see p. 31.

582 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp. 81–82.

583 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.82.

584 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.82.



you that these are good approaches to take. But how much can any community cope with at any given point in time?

I think that for the foreseeable future there is a bit of a mix of both—of us having to do some groundwork and then taking it to the community, which is not our preferred operating style. I am talking on behalf of all the government here. Then we can take genuinely authentic approaches to saying, 'Tell us how to do this'.⁵⁸⁵

- 5.96 At this point in the hearing the Elected Body asked a question about the number of Aboriginal and Torres Strait Islander children and young people who had been removed from their families (i.e. came into the out of home care system) since the announcement of the *Our Booris, Our Way* review. This question was taken on notice.⁵⁸⁶
- 5.97 The response to this Question Taken on Notice advised that from 'June 2017 to March 2018, 44 Aboriginal and Torres Strait Islander children and young people were admitted to care. Of these children and young people, 55 per cent were placed in kinship care'.⁵⁸⁷
- 5.98 The Elected Body then referred again to *The Family Matters 2017* report which stated that 'the ACT Government performed particularly poorly against all measures used in assessing the child protection policies and programs in the states and territories'. It asked what the directorate's response was to the poor report on the ACT's child protection services.⁵⁸⁸
- 5.99 The Executive Director, Children, Youth and Families, told the Elected Body that the significant issues were: investment in early intervention; the participation of community organisations; and decision-making by Aboriginal community-controlled organisations within the system.⁵⁸⁹
- 5.100 In relation to investment in early intervention, he said that was occurring and with regard to engagement with community-controlled organisations and shared decision-making, independent advice was being sought through the *Our Booris, Our Way* review. He also pointed out that the family group conferencing trials had commenced.⁵⁹⁰
- 5.101 The Director-General stated:
- ... The first thing I want to say is that these are appalling statistics. We know these are appalling statistics and everything we are doing and every action we are taking, and have been taking, is geared towards needing to change this—not trying to change it; needing to change it.⁵⁹¹*
- 5.102 He then spoke about various 'parts of the puzzle' including 'whole-of-government work, particularly over the human services cluster'; the components of *A Step Up for Our Kids*'; and the work that Uniting was doing, which he said were 'all critical sorts of preservation work, keeping people out of the statutory system'.⁵⁹²
- 5.103 In relation to the whole-of-government work, the Executive Director, Strategic Policy, told the Elected Body that the directorate was undertaking a project called 'early intervention by design' on behalf of the human services cluster which was investigating what needs to be done 'to embed early intervention' in its work and that would include 'Aboriginal-designed responses to early intervention, rather than assuming that everybody knows what is required'.⁵⁹³

585 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.82.

586 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.83.

587 Mrs Bernadette Mitcherson, Response to Question Taken on Notice at hearings of 14 March 2018, signed 16 April 2018.

588 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.83.

589 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.83.

590 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, pp.83–84.

591 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.84.

592 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.84.

593 Ms Anne-Maree Sabellico, *Transcript of evidence*, 14 March 2018, pp.84–85.



5.104 The Director-General told the Elected Body:

*... The question for us is: what is our legacy? How do we fundamentally change the system so that we stop pouring people into the tertiary end of the system. The legacy will be from doing really sound policy work...*⁵⁹⁴

5.105 In response to a question asked by the Elected Body about the adoption of the Aboriginal child placement principles, the Executive Director, Children, Youth and Families, said that the government had committed 'to deliver on the elements' of these principles. He pointed out that some communities in Central Queensland had set 'generational goals' over 20 years. He went on to outline the five elements of the principles and some of the ways that the government was acting upon them. This is summarised below:

- **Prevention**—this was being progressed through the whole-of-government policy work.
- **Partnership**—this is about the architecture for Aboriginal-controlled organisations and decision-making.
- **Placement**—the 'placement hierarchy' is already incorporated in the ACT Children and Young People Act.
- **Participation**—this was being progressed by involving families in decision-making about their children through family group conferencing, the development of family plans, and projects underway which hear the voice of Aboriginal children in the system.
- **Connection to community**—this is included in cultural plans and in the evaluation framework and by improving cultural connection through contact visits.⁵⁹⁵

5.106 The Elected Body asked how many Aboriginal and Torres Straits Islander children taken into care and protection in the previous five years had come into contact with the criminal justice system after they were taken into care and protection.⁵⁹⁶

5.107 This question was taken on notice.⁵⁹⁷

5.108 The Elected Body then asked whether the recommendation of the *Passing the message stick* report for 'a culturally-appropriate service that offers in-home support by trained staff 24/7 for Aboriginal and Torres Strait Islander families who are at risk of the removal of children and young people' had been implemented.⁵⁹⁸

5.109 The Elected Body heard that it was implemented through the Uniting children and families program, that between 20 and 30 per cent of their staff were Aboriginal and Torres Strait Islanders, and also that the *Message stick* recommendation was worked on 'in the Step Up design'.⁵⁹⁹

Housing responses

5.110 During the hearing of 14 March 2018, the Elected Body asked a number of questions in relation to the provision of housing for Aboriginal and Torres Strait Islander people.⁶⁰⁰

5.111 During the discussion, the Elected Body heard that most Housing ACT staff who are Aboriginal and Torres Strait Islander have 'some sort of interaction' with the community because it is 'a frontline delivery service'. It was told that nine staff had identified as Aboriginal and Torres Strait Islander and that five of these were housing managers.⁶⁰¹

594 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.85.

595 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, pp.85–87.

596 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.87.

597 Ms Anne-Maree Sabellico/Dr Mark Collis, *Transcript of evidence*, 14 March 2018, pp.87–88.

598 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.88.

599 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.88.

600 ATSIIEB, *Transcript of evidence*, 14 March 2018, pp.89ff.

601 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, p.89.



- 5.112 The Executive Director, Children, Youth and Families, added that Spotless, which supports the housing sector and stock, exceeds its target of employing 10 Aboriginal and Torres Strait Islander people.⁶⁰²
- 5.113 The Elected Body was advised that there were 166 households on the housing register in which one household member identified as Indigenous.⁶⁰³
- 5.114 A question asked by the Elected Body about the number of properties allocated to Aboriginal and Torres Strait Islander people with a disability was taken on notice.⁶⁰⁴
- 5.115 The response to this Question Taken on Notice advised that 'at 5 April 2018, there [were] ... 2,047 Aboriginal and Torres Strait Islander people residing in Public Housing, in 952 tenancies. Of these, there were 470 Aboriginal and Torres Strait Islander people with a disability'.⁶⁰⁵
- 5.116 The Elected Body was interested to know what the directorate was doing to help address the shortfall in the accommodation, and rehabilitation and detox placements available for Aboriginal and Torres Strait Islander people to whom the ACT Police can offer diversionary options.⁶⁰⁶
- 5.117 The Deputy Director-General told the Elected Body that a review of the Youth Justice Blueprint was 'at the halfway mark.' She also said that there was 'work across directorates in terms of placements—men generally—coming out of the jail system. ... those with public housing placements or those in supported accommodation.' In relation to the drug and alcohol aspect, she advised that was 'more of a health issue' and the directorate 'would not do referrals for that'.⁶⁰⁷
- 5.118 The Executive Director, Children, Youth and Families, said that in 2015, the operating model of Narrabundah House was redesigned into 'a youth diversionary for Aboriginal young fellows aged 15–18' which was its target group, though slightly younger and slightly older people had been accommodated. He said that during the last year, 19 young people were resident, there at one time or another.⁶⁰⁸
- 5.119 The Executive Director told the Elected Body that he could provide utilisation rates for Narrabundah House. He also said that the 'decision about who is there is often made on the basis of risk and opportunity'. In terms of diversion, he said that there was 'a bed which is separate from the actual Narrabundah House component which is meant to be the absolute diversion, the prevention from going to Bimberi, for an overnight stay just to go to court the next day'. He said that was also 'an after-hours crisis service' which 'communicates with the watch house' each night and negotiates accommodation options, which frequently might be with 'an uncle and aunty'. He pointed out however that in the previous six months there had been 'a spike in young people generally offending, which is less open to diversion; the offending is of a serious nature'.⁶⁰⁹
- 5.120 The Elected Body acknowledged that 'that is not open to everyone ... [but if] the only reason is there is not a spot, let us work on that'.⁶¹⁰ It then asked about plans to develop an Aboriginal and Torres Strait Islander housing policy for the ACT.⁶¹¹

602 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.89.

603 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, p.89.

604 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, p.90.

605 Response to Question Taken on Notice at hearings of 14 March 2018.

606 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.90.

607 Mrs Bernadette Mitcherson, *Transcript of evidence*, 14 March 2018, p.90.

608 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, pp.90–91.

609 Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.91.

610 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.91.

611 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.91.



- 5.121 The Elected Body was told that in the course of speaking to the community in 2017 as part of the broader strategies development, the directorate was told that the community wanted a housing policy and an Aboriginal-controlled housing organisation. The Elected Body was also told that it was now 'gathering all that consultation and the comments seeing what is our next strategy and how we go about developing that'.⁶¹²
- 5.122 The Executive Director, Housing told the Elected Body 'there is lots happening in ... [the] affordable housing space'. She said: 'There is certainly what EPSDD do in terms of affordable housing. But we also have our own affordable programs within housing — the four of them there in terms of the shared equity, the sale to the tenant, the bond loans and those things as well'. She also acknowledged the specific programs that made available by IBA.⁶¹³
- 5.123 The Elected Body asked how the directorate planned to address issues that had been raised by the Australian Institute of Health and Welfare in late 2017 regarding maintenance issues in Aboriginal and Torres Strait Islander housing, including 'flushing toilet problems'.⁶¹⁴ This question was subsequently taken on notice and it was agreed that the advice would be obtained about this.⁶¹⁵
- 5.124 Later in the hearing, the Elected Body noted that there seemed to be 'a great problem for the Indigenous detainees coming from the AMC' and '[o]ne of the big problems is accommodation'. It referred to 'a plan to look at a halfway house or a form of accommodation for some of these males coming out of the prison, because a lot of those men are homeless and go back to the same environment and they finish up back in the system.' It asked if there was 'something in the pipeline'.⁶¹⁶
- 5.125 The Deputy Director-General responded that it 'is a really vexed area' and referred to a number of complicating factors in relation to accommodation for people leaving custody, including:
- accommodation may be related to where they are approved to go by the Parole Board or to their offending
 - there has been a recent increase in figures for family violence which impacts on 'where they need to go or whether it is a stepped approach before they go back to family'
 - you can plan for someone who is released at the end of a head sentence, but if someone has 'a parole period ... there is no guarantee that they are going to get that'
 - issues around 'the particular individual circumstances'.⁶¹⁷
- 5.126 The Deputy Director-General also told the Elected Body of working jointly with JACS 'in relation to the drug court that has been earmarked for the end of the year'⁶¹⁸ and that work was underway 'on a policy around housing in relation to the cohort that might go towards the drug court.' She indicated that 'at least 70 per cent of those in custody would have a significant drug and alcohol issue'.⁶¹⁹

612 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, p.92.

613 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, p.92.

614 ATSIEB, *Transcript of evidence*, 14 March 2018, p.92.

615 Mr Michael De'Ath/Mrs Bernadette Mitcherson, *Transcript of evidence*, 14 March 2018, p.93.

616 ATSIEB, *Transcript of evidence*, 14 March 2018, p.96.

617 Mrs Bernadette Mitcherson, *Transcript of evidence*, 14 March 2018, p.96.

618 According to the 2016–17 JACS Annual Report: 'The Government is committed to establishing a drug and alcohol court in the Territory which will take a problem-solving approach aimed at reducing recidivism and improving the health and well-being of offenders. LPP is supporting the Supreme Court in the work to design a model for the ACT and will also work with key stakeholders from government and non-government organisations to identify the services required to support an effective drug and alcohol court, such as drug and alcohol treatment services. JACS Annual Report 2016–17, p.35. www.justice.act.gov.au/page/view/4047 [accessed 14 June 2018].

619 Mrs Bernadette Mitcherson, *Transcript of evidence*, 14 March 2018, pp.96–97.



- 5.127 The Executive Director, Housing, also responded by bringing some matters to the attention of the Elected Body. She said that:
- efforts are made to 'connect early' and to ensure 'that folk coming out from the AMC have the support they need to sustain the tenancy ... That is quite a big challenge for us'
 - there are 'obviously' pressures on housing supply and that there was 'far more demand' for 'housing stock than we can often meet'
 - efforts are made to 'remove administrative barriers' about when someone at the AMC can apply for housing assistance such as a bond loan
 - there were connections with the AMC through the Room4Change program which is being run by DVCS, 'where men go through a residential program and a 20-week behavioural change program as well'.⁶²⁰
- 5.128 She noted however, that not everyone is 'suitable' for the Room4Change program '[s]o it is a problem'.⁶²¹

The Aboriginal and Torres Strait Islander Cultural Centre

- 5.129 During the hearing the Elected Body asked why no funding was provided for cultural activities at the Aboriginal and Torres Strait Islander Cultural Centre at Yarramundi.⁶²²
- 5.130 The Elected Body heard that the Office of Aboriginal and Torres Strait Islander Affairs is responsible for managing bookings at the cultural centre and that about 100 bookings were made in 2016–17.⁶²³
- 5.131 The Elected Body emphasised that without an operating budget that the cultural centre was 'not actually delivering on its cultural centre purpose' and that the centre 'needs a greater life than a hall that we can book'.⁶²⁴
- 5.132 The Director-General acknowledged the concerns expressed by the Elected Body.⁶²⁵

620 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, p.97.

621 Ms Louise Gilding, *Transcript of evidence*, 14 March 2018, p.97.

622 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.94.

623 Ms Anne-Maree Sabellico, *Transcript of evidence*, 14 March 2018, p.94.

624 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.95.

625 Mr Michael De'Ath, *Transcript of evidence*, 14 March 2018, p.95.



Elected Body comment

Summary

Written responses

- 5.133 Written responses by the Community Services Directorate to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.
- 5.134 These written responses provided information about the range of ways in which the directorate was assisting Aboriginal and Torres Strait Islanders including:
- 5.135 In relation to CSD's responsibility for the ACT *Aboriginal and Torres Strait Islander Agreement 2015–18*, this included:
- The development of an Outcomes Framework for the *ACT Aboriginal and Torres Strait Islander Agreement 2015–18* 'to facilitate a review of the specific outcomes and progress against the Agreement'.⁶²⁶
- 5.136 In relation to CSD's responsibility for Aboriginal and Torres Strait Islander children and young people, this included:
- the review of Aboriginal and Torres Strait Islander children and young people involved with the ACT child protection system⁶²⁷
 - the work of the Cultural Services Team in Child and Youth Protection Services⁶²⁸
 - assistance provided to Aboriginal and Torres Strait Islander children through the Growing Healthy Families program across three Child and Family Centres⁶²⁹
 - *A Step Up for Our Kids*—a five year reform strategy for out of home care services.⁶³⁰
- 5.137 In relation to CSD's responsibility for youth justice, this included:
- initiatives undertaken which are 'contributing to the downward trend' in metrics in relation to Aboriginal and Torres Strait Islander young people who come into contact with the justice system⁶³¹
 - employment of a designated Aboriginal and Torres Strait Islander Family Engagement Officer at Bimberi Youth Justice Centre⁶³²
 - the *Blueprint for Youth Justice in the ACT 2012–22*.⁶³³
- 5.138 In relation to CSD's responsibility for families, this included:
- conduct of the Family Group Conferencing Pilot⁶³⁴
 - prioritisation of Aboriginal and Torres Strait Islander voices in the co-design of the Family Safety Hub.⁶³⁵

626 CSD response to ATSIIEB generic questions, November 2017, p.4.

627 CSD response to ATSIIEB generic questions, November 2017, p.7.

628 CSD response to ATSIIEB generic questions, November 2017, pp.14–15.

629 CSD response to ATSIIEB generic questions, November 2017, p.8.

630 CSD response to ATSIIEB generic questions, November 2017, pp. 9–10; 13–14; 24–25.

631 CSD response to ATSIIEB generic questions, November 2017, p.4.

632 CSD response to ATSIIEB generic questions, November 2017, pp.22–23.

633 CSD response to ATSIIEB generic questions, November 2017, p.24.

634 CSD response to ATSIIEB generic questions, November 2017, p.15.

635 CSD response to ATSIIEB generic questions, November 2017, p.6.



- 5.139 In relation to CSD's responsibility for housing, this included the:
- creation of 80 new public housing tenancies for Aboriginal and Torres Strait Islander households in 2016–17⁶³⁶
 - funding of the Gugan Gulwan Youth Aboriginal Corporation for a young person's program which 'provides outreach services to young Aboriginal and Torres Strait Islander people at risk of, or experiencing homelessness'⁶³⁷
 - assistance provided to young Aboriginal and Torres Strait Islander males through Narrabundah House Indigenous Supported Residential Facility⁶³⁸
 - funding of Indigenous Boarding House Network and Indigenous Program delivered by Everyman Australia in partnership with Toora Women's Inc.⁶³⁹
 - completion of the Mura Gunya project which provides 'suitable and culturally-appropriate accommodation' for Aboriginal and Torres Strait Islander older people.⁶⁴⁰
- 5.140 In relation to CSD's responsibility for its employees, this included:
- delivery of training in 2016–17 'to embed supports for current and potential employees from diversity targeted groups'⁶⁴¹
 - encouragement for staff to celebrate 'significant Aboriginal and Torres Strait Islander cultural events'.⁶⁴²

Responses in hearings

- 5.141 Matters that were considered in some detail in hearings included the following.
- 5.142 In relation to support services for Aboriginal and Torres Strait Islander individuals and families with a disability, the Elected Body and representatives of the directorate discussed: the transition to the NDIS, the take up of funding packages under the Scheme, the Child Development Service, the provision of housing to Aboriginal and Torres Strait Islander households with a disability, the lack of an Indigenous-controlled organisation.⁶⁴³
- 5.143 In relation to cultural awareness training provided to staff and the directorate's cultural awareness strategy, the Elected Body and representatives of the directorate discussed: the support for cultural awareness among senior executives with the directorate, the cultural development program in Children, Youth and Families, and work with IAITSIS in regard to training.⁶⁴⁴
- 5.144 In relation to strategies to ensure inclusive consultation to improve programs and services, the Elected Body and representatives of the directorate discussed: the role of Aboriginal and Torres Strait Islanders in leading the review into young people in the statutory care system, the Growing Healthy Families program, the family conferencing trial, engagement with Aboriginal and Torres Strait Islander people by Housing ACT.⁶⁴⁵

636 CSD response to ATSIEB generic questions, November 2017, p.11.

637 CSD response to ATSIEB generic questions, November 2017, pp.20; 23.

638 CSD response to ATSIEB generic questions, November 2017, p.22.

639 CSD response to ATSIEB generic questions, November 2017, p.23.

640 CSD response to ATSIEB generic questions, November 2017, p.26.

641 CSD response to ATSIEB generic questions, November 2017, p.18.

642 CSD response to ATSIEB generic questions, November 2017, p.18.

643 *Transcript of evidence*, 14 March 2018, pp.59–63.

644 *Transcript of evidence*, 14 March 2018, pp.64–67.

645 *Transcript of evidence*, 14 March 2018, pp.71–72.



- 5.145 In relation to strategies to respond to family violence, the Elected Body and representatives of the directorate discussed: the family safety package, and that the ACT had 'topped up' the funding of some crisis accommodation providers following a funding cut by the Commonwealth Government in 2012–13.⁶⁴⁶
- 5.146 In relation to care and protection, the Elected Body and representatives of the directorate discussed: options considered for the placement of Aboriginal and Torres Strait Islander children in care, and the family conferencing trial.⁶⁴⁷
- 5.147 In relation to *A Step Up for Our Kids* and out of home care, the Elected Body and representatives of the directorate discussed: the difficulties that arose in engaging 'independent cultural advisers', Cultural plans, work 'to strengthen the delivery of culturally-strong services for Aboriginal and Torres Strait Islander children and young people' that was referred to in *The Family Matters 2017* report, the number of Aboriginal and Torres Strait Islander children and young people who had been removed from their families, the findings of *The Family Matters* report about the poor performance of the ACT in child protection compared with other states and territories and how the directorate was responding to this, how the Aboriginal child placement principles were being progressed, implementation of a recommendation of the *Passing the message stick* report about the delivery of culturally-appropriate in-house support for Aboriginal and Torres Strait Islander families.⁶⁴⁸
- 5.148 In relation to housing responses, the Elected Body and representatives of the directorate discussed: the employment of Aboriginal and Torres Strait Islander people in housing matters, the number of public dwellings allocated to Aboriginal and Torres Strait Islanders with a disability, the need to address a shortfall in accommodation for Aboriginal and Torres Strait Islander young people for diversion from the criminal justice system, Narrabundah House and its utilisation rates, the development of an Aboriginal and Torres Strait Islander housing policy, the adverse finding of an Australian Institute of Health and Welfare report about access by Aboriginal and Torres Strait Islander people in ACT public housing to a 'flushing toilet', the need for accommodation for Aboriginal and Torres Strait Islanders who are released from the Alexander Maconochie Centre and the complexities involved in addressing this.⁶⁴⁹
- 5.149 In relation to how the directorate is meeting its responsibility to its employees, the Elected Body and representatives of the directorate discussed: the development of a bespoke package of support for Aboriginal and Torres Strait Islander employees, work that was undertaken on a case-by-case basis, discussion about secondment opportunities and the number of identified positions.⁶⁵⁰

646 *Transcript of evidence*, 14 March 2018, pp.74–75.

647 *Transcript of evidence*, 14 March 2018, pp.76–78.

648 *Transcript of evidence*, 14 March 2018, pp.79–88.

649 *Transcript of evidence*, 14 March 2018, pp.87–93, 96–97.

650 *Transcript of evidence*, 14 March 2018, pp.68–71.



Elected Body views and recommendations

- 5.150 The Elected Body notes that the Community Services Directorate has carriage of many programs and services that are critical to the wellbeing of Aboriginal and Torres Strait Islander people in the ACT.
- 5.151 The Elected Body also notes the recognition given by directorate officials during the hearing to the important role that Aboriginal and Torres Strait Islander-controlled organisations have in ensuring that services provided for Aboriginal and Torres Strait Islander people in the ACT are culturally-appropriate and meet the needs of the community.
- 5.152 In addition, the Elected Body notes statements made by officials during the hearing about the government's efforts and aspirations to obtain advice from the Aboriginal and Torres Strait Islander community about the architecture of service provision and the design of programs and services.
- 5.153 The Elected Body also notes that Aboriginal and Torres Strait Islander-controlled organisations do not deliver in some human service domains such as the provision of services to Aboriginal and Torres Strait Islander children and families with a disability.
- 5.154 The Elected Body notes that in the comments that were included in *The Family Matters 2017* report, the ACT Government advised that 'a gap exists in community-controlled service provision in the ACT... the ACT does not have Aboriginal and Torres Strait Islander community-controlled child protection and family support services. Aboriginal and Torres Strait Islander community-controlled organisations currently deliver primary and holistic health care and youth services'.⁶⁵¹
- 5.155 The Elected Body's view is that it is of critical importance that not only the Community Services Directorate but all ACT Government directorates and agencies support the emergence of new Aboriginal and Torres Strait Islander-controlled service providers in the Territory.
- 5.156 In light of the above, the Elected Body makes the following recommendation:

RECOMMENDATION 9

- 5.157 **The Elected Body recommends that all ACT Government directorates and agencies take opportunities to support the emergence of new Aboriginal and Torres Strait Islander-controlled service providers in the Territory and that they leverage off the capability of existing organisations where appropriate to expand the Aboriginal and Torres Strait Islander-controlled sector.**
- 5.158 The Elected Body notes that during the hearing a number of housing and housing-related issues were discussed.
- 5.159 The Elected Body notes that a reduction in funding provided by the Commonwealth Government for crisis accommodation in 2012–13 and in subsequent financial years impacted adversely on service providers in this sector including those which assist Aboriginal and Torres Strait Islander people in the ACT who are in crisis.
- 5.160 The Elected Body also notes the advice it was provided during the hearing; that for the last three years the ACT Government has topped up the funding made available to certain service providers which provide crisis accommodation and related support in the Territory.
- 5.161 In addition, the Elected Body notes that a new *National Housing and Homelessness Agreement* is to be introduced and the advice provided during the hearing that the Community Services Directorate has been

651 SNAICC—National Voice of Our Children et al, *The Family Matters Report 2017*, p. 31. See www.familymatters.org.au/wp-content/uploads/2017/11/Family-Matters-Report-2017.pdf [accessed 7 June 2018].



advocating to lock in the funding for crisis accommodation service providers in the ACT in the course of its negotiations with the Commonwealth in relation to funding to be made available through the new agreement.

- 5.162 The Elected Body notes that homelessness and family violence are significant issues which impact adversely on Aboriginal and Torres Strait Islander individuals and families in the ACT.
- 5.163 The Elected Body notes as well that there is a lack of appropriate accommodation in the ACT for the diversion of Aboriginal and Torres Strait Islander young people who come into contact with the justice system. Similarly, Aboriginal and Torres Strait Islanders who are released from the Alexander Maconochie Centre may also find it difficult to secure adequate and stable housing.
- 5.164 In light of this, the Elected Body makes the following recommendation:

RECOMMENDATION 10

- 5.165 **The Elected Body recommends that the Community Services Directorate continue to advocate, in the course of its negotiations with the Commonwealth Government in the context of a new housing and homelessness agreement, for the provision of adequate funding to enable the delivery of crisis and other forms of accommodation and related support to Aboriginal and Torres Strait Islander people in the ACT.**
- 5.166 The Elected Body notes that in discussions during the hearing that the meaning of 'independent' arose in the context of efforts to engage 'independent cultural advisers' to provide advice on placement decisions and cultural plans for Aboriginal and Torres Strait Islander children under the ACT out of home care strategy, *A Step Up for Our Kids*.
- 5.167 The Elected Body notes the advice it was provided during the hearing; that the meaning of 'independent' was problematic for an adviser who sat within the CYPS structure.
- 5.168 The Elected Body also notes the advice provided during the hearing by the Executive Director, Children, Youth and Families:
- One of the issues around the review is that the independent cultural adviser was always meant to be a stepping stone to a level of self-determination beyond advice. It was about how we might move to a more formalised and sustainable and community-driven approach to providing responses to children in the child protection system.*⁶⁵²
- 5.169 The view of the Elected Body is that it is of critical importance that independent advice be obtained in placement decisions and the development of cultural plans to ensure that decisions made are in the interests of the child and give due consideration to the views of the child's family, culture and community.
- 5.170 The Elected Body also notes the acknowledgement provided by an official during the hearing that 'independence means independence; it does not mean driven from inside child protection. The solution has to arrive from outside'.⁶⁵³
- 5.171 The Elected Body supports efforts made by government which provide a 'stepping stone' towards greater self-determination, and considers it regrettable that the directorate did not find a way to engage an independent adviser for placement decisions and the cultural plans developed for Aboriginal and Torres Strait Islander children who are placed into out of home care.
- 5.172 In light of the above, the Elected Body makes the following recommendation:

⁶⁵² Dr Mark Collis, *Transcript of evidence*, 14 March 2018, p.79.

⁶⁵³ Dr Mark Collis, *Transcript of evidence*, 14 March 2018, pp.79–80.



RECOMMENDATION 11

- 5.173 **The Elected Body recommends that the Community Services Directorate continue to investigate options for the engagement of an independent adviser for placement decisions and cultural plans for Aboriginal and Torres Strait Islander children who are placed into out of home care.**
- 5.174 It is the view of the Elected Body that the need to address the over-representation of Aboriginal and Torres Strait Islander children and young people among those who are in out of home care in the ACT is a critical issue not only for Aboriginal and Torres Strait Islanders in the ACT but for the entire community.
- 5.175 The Elected Body notes, in particular, that *The Family Matters 2017* report found that the ACT had the second highest rate of removal of Aboriginal and Torres Strait Islander children of all states and territories and the second lowest level of support for Aboriginal and Torres Strait Islander families at risk of becoming involved in the care and protection system.
- 5.176 The Elected Body notes the discussion during the hearing about the efforts of the Community Services Directorate to address such 'appalling statistics' in relation to Aboriginal and Torres Strait Islander children in out of home care in the ACT.
- 5.177 The Elected Body emphasises that it has a special interest in this area which has been an ongoing concern in the ACT for many years. The Elected Body notes the important work that is to be led by the *Our Booris, Our Way* steering committee in relation to out of home care.
- 5.178 In light of this, the Elected Body makes the following recommendations.

RECOMMENDATION 12

- 5.179 **The Elected Body recommends that the ACT Government implement all of the recommendations of the *Our Booris, Our Way* steering committee.**
- 5.180 The Elected Body notes that during community consultations undertaken by the Community Services Directorate in 2017, members of the Aboriginal and Torres Strait Islander community expressed support for the development of an ACT Aboriginal and Torres Strait Islander specific strategic housing policy.
- 5.181 The Elected Body notes the advice provided during the hearing that the Community Services Directorate was then gathering the views and comments that were made during the consultations and was giving further consideration to how to proceed.
- 5.182 The Elected Body has the view that an ACT Aboriginal and Torres Strait Islander specific housing policy provides an opportunity to articulate a vision for the provision of housing and housing assistance to Aboriginal and Torres Strait Islanders in the ACT, to map the housing options that are available and to identify gaps in the delivery of programs and services.
- 5.183 In light of this, the Elected Body makes the following recommendation:

RECOMMENDATION 13

- 5.184 **The Elected Body recommends that the Community Service Directorate progress the development of an ACT Aboriginal and Torres Strait Islander-specific housing policy and that it ensure that the Aboriginal and Torres Strait Islander community is engaged throughout this process.**



- 5.185 The Aboriginal and Torres Strait Islander Cultural Centre at Yarramundi has particular significance for Aboriginal and Torres Strait Islander people in the ACT and the Elected Body is aware that full use of the facility is not being made by Aboriginal and Torres Strait islander organisations because of the costs involved.
- 5.186 Similarly, the Elected Body notes that the strategic purpose of the facility is currently unclear and that adequate resources are not provided to enable Aboriginal and Torres Strait Islander people to participate in cultural activities at the centre. In addition, the cultural centre is not promoted as a focal point to promote awareness and recognition of traditional custodian and Ngunnawal culture or as a tourist attraction in the Territory.
- 5.187 In light of the above, the Elected Body makes the following recommendation:

RECOMMENDATION 14

- 5.188 **The Elected Body recommends that the ACT Government clarify the strategic purpose of the Aboriginal and Torres Strait Islander Cultural Centre at Yarramundi and that adequate resources are provided for its strategic purpose to be realised.**

6 ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE



Introduction

- 6.1 Officers of the Environment, Planning and Sustainable Development Directorate appeared before the ATSIEB in hearings on 14 March 2018.
- 6.2 The directorate's responses to the Elected Body's generic questions and witness testimony from hearings are considered below.

Responses to generic questions

1 Equitable access and increased impact

- 6.3 In its written response to the Elected Body's first generic question the directorate indicated that:
- programs which 'focus on improved outcomes for Aboriginal and Torres Strait Islander Peoples' are facilitated through the Natural Resource Management (NRM) Branch including the Culture and Land Management (CALM) program and Kickstart My Career through Culture.
- 6.4 A summary of the information provided by the directorate about these programs is below.

Culture and Land Management program

- 6.5 In its response the directorate advised:
- Since 2013 the NRM Facilitator has been working with Campbell–Page, Greening Australia and ACT Corrective Services delivering cultural and horticulture-based activities to Aboriginal and Torres Strait Islander detainees at the Alexander Machonochie Centre.
 - The activities provided have helped detainees in undertaking both non-accredited and accredited training in Conservation and Land Management Certificate II.
 - In addition, in 2018 the Aboriginal NRM Facilitator assisted Campbell–Page and Greening Australia in 'developing a seedbank/seed production area'. Detainees at the Transitional Release Centre 'collect native seed across local reserves with Greening Australia' and the seed is taken back to the prison where it is processed, germinated and propagated by CALM detainees before it is given to Greening Australia and ACT Parks and Conservation for planting 'in native grasslands and areas identified for regeneration'.⁶⁵⁴

Kickstart My Career through Culture

- 6.6 In its response, the directorate advised:
- The program is currently delivered to students from ACT public schools and aims to increase their 'engagement and/or re-engagement in their school education' and includes career pathway development and access to further education options.
 - This year, the program has focused on Year 5 to Year 12 Aboriginal and Torres Strait Islander students, and also includes non-Aboriginal students who are at risk.

654 EPSDD response to ATSIEB generic questions, December 2017, p.1.

- Under the program, students have participated in accredited and non-accredited programs with five programs trialled during 2016–17. The programs range from two-hour sessions (for Year 5 and 6) to full-day and up to nine-week programs.
- Seventy-five students have signed up for the program of whom 62 have completed, including 45 Aboriginal and Torres Strait Islander students.⁶⁵⁵

2 Implementation of the ACT Aboriginal and Torres Strait Islander Agreement

6.7 In its written response to the Elected Body's second generic question the directorate indicated that there were:

*... a number of projects and opportunities, many of which are co-designed with local Traditional Custodians and the wider Aboriginal and Torres Strait Islander community.*⁶⁵⁶

6.8 The directorate also advised that 'these projects have an environmental and cultural focus but are designed to engage holistically and would meet a number of themes in the Agreement'.⁶⁵⁷

6.9 The directorate also provided a table which matched various projects to each applicable agreement theme.⁶⁵⁸ This table is reproduced below.

Agreement theme	EPSDD project
Cultural identity	Aboriginal heritage preservation projects, supporting Traditional Custodians with various management plans, Aboriginal Waterways Assessments, Namadgi Rock Art Working Group, Aboriginal Fire Management Framework.
Healthy minds, healthy bodies	Ngunnawal Bush Healing Farm, Culture and Land Management Project.
Feeling safe	
Connecting the community	Murumbung Ranger Network.
Employment & economic independence	Supporting cultural tourism enterprises, Heritage Grants, Environment Grants.
Education	Kickstart My Career through Culture, Murumbung Ranger Interpretive Cultural Walks.
Leadership	Kickstart My Career through Culture.

3 Aboriginal and Torres Strait Islander organisations and community

6.10 In its written response to the Elected Body's third generic question the directorate indicated that:

*ACT NRM, Heritage, Parks and Conservation Service and Water and Catchment Policy areas... have strong relationships with Traditional Custodians, [the] wider Aboriginal and Torres Strait Islander community and community organisations.*⁶⁵⁹

6.11 The directorate also provided a table which set out examples of six projects, the business areas that were involved and their various stakeholders.⁶⁶⁰ This table is reproduced below.

655 EPSDD response to ATSIIEB generic questions, December 2017, pp.1–2.

656 EPSDD response to ATSIIEB generic questions, December 2017, p.2.

657 EPSDD response to ATSIIEB generic questions, December 2017, p.2.

658 EPSDD response to ATSIIEB generic questions, December 2017, p.2.

659 EPSDD response to ATSIIEB generic questions, December 2017, p.2.

660 EPSDD response to ATSIIEB generic questions, December 2017, pp.2–3.



Project	Business Area	Stakeholder
Aboriginal Fire Management Framework	PCS	Buru Ngunawal Aboriginal Corp, Little Gudgenby River Tribal Council, Ngarigu Currawong Clan, United Ngunnawal Elders Council, Onerwal Local Aboriginal Land Council, Ngambri Local Aboriginal Land Council, Mogo Local Aboriginal Land Council.
Bush Healing Farm	PCS	ACT Health, CIT.
Culture + Land Management Kickstart	NRM	JACS, Winnunga Nimmitjiah, official visitor, elders who are on the elders program. Greening Aust, Education Directorate, CIT, JACS, Traditional Owners Aboriginal Corp, United Ngunnawal Elders Council, Thunderstone Aboriginal Land Management Services.
Namadgi Rock Art Working Group	PCS, Heritage, NRM	Buru Ngunawal Aboriginal Corp, Little Gudgenby River Tribal Council, Ngarigu Currawong Clan, United Ngunnawal Elders Council.
Aboriginal Waterways Assessments	Water + Catchment Policy, PCS, NRM, Heritage	Buru Ngunawal Aboriginal Corp, Little Gudgenby River Tribal Council, Ngarigu Currawong Clan, United Ngunnawal Elders Council, Onerwal Local Aboriginal Land Council, Ngambri Local Aboriginal Land Council.

4 Increased knowledge of the Agreement amongst staff

6.12 In its written response to the Elected Body's fourth generic question the directorate indicated that:

An outcome of the Agreement and projects supporting the Agreement has led to projects Kickstart My Career through Culture, Aboriginal NRM Facilitator, Culture and Land Management Program and the Aboriginal Waterways Assessments specifically being mentioned as 2017–2019 priorities in the 2017–2019 Environment (Division) Business Plan for EPSDD.⁶⁶¹

5 Aboriginal and Torres Strait Islander staffing profile

6.13 In its written response to the Elected Body's fifth generic question the directorate indicated that:

- at 30 June 2017 the directorate had 21 Aboriginal and Torres Strait Islander employees comprising 3.47 per cent of its workforce
- eleven identified positions
- of its 21 Aboriginal and Torres Strait Islander employees 12 were females and nine were males.⁶⁶²

6.14 The directorate also provided a table showing the classification levels of its Aboriginal and Torres Strait Islander employees.⁶⁶³ This table is reproduced below.

Classification	Number
Administrative Officers	7
General Service Officers and Equivalent	4
Professional Officers	1
Rangers	3
Senior Officers	5
Technical Officers	1
Total	21

661 EPSDD response to ATSIEB generic questions, December 2017, p.3.

662 EPSDD response to ATSIEB generic questions, December 2017, pp.3–4.

663 EPSDD response to ATSIEB generic questions, December 2017, p.4.



- 6.15 The directorate also indicated that it provides the following development and retention opportunities.
- All EPSDD staff are required to complete a Performance Plan through the ACTPS Performance Framework which identifies professional development opportunities.
 - Retention opportunities are provided through various programs including the provision of higher duties or temporary transfer opportunities, studies assistance and flexible working arrangements.⁶⁶⁴
- 6.16 The directorate indicated that it was increasing Aboriginal and Torres Strait Islander representation by:
- Participating 'in the whole-of-government programs such as the Aboriginal and Torres Strait Islander Traineeship'.
 - EPSDD's Recruitment Clearance Action Form requests the consideration of targeted recruitment of Aboriginal and Torres Strait Islander people.⁶⁶⁵

6 Aboriginal and Torres Strait Islander leadership

- 6.17 In its written response to the Elected Body's sixth generic question the directorate indicated that:

*All vacancies are subject to a merit selection process.*⁶⁶⁶

7 Management positions

- 6.18 In its written response to the Elected Body's seventh generic question the directorate indicated that:

*Nil. There may be potential Aboriginal and Torres Strait Islander people who hold management positions, however have chosen not to identify.*⁶⁶⁷

8 Focused and effective services

- 6.19 In its written response to the Elected Body's eighth generic question the directorate indicated that:

*To provide the full detail of the services of our staff do with the Aboriginal and Torres Strait Islander community is complex and would require some time of comprehensive evaluation.*⁶⁶⁸

- 6.20 The directorate also provided some examples of how its services have helped the Aboriginal and Torres Strait Islander community. These included:
- the development of the Draft Lower Cotter Catchment Plan
 - detainees from the Transitional Release Centre collect native seed in reserves
 - students successfully gained a Statement of Attainment in two units from the Certificate III in Conservation and Land Management:
 - interpret aspects of Local Australian Indigenous culture
 - recognise fauna
 - Traditional Custodians participate in Aboriginal Waterways Assessments
 - supporting Greening Australia deliver ACT Heritage Grant in identifying and protecting cultural trees.⁶⁶⁹

664 EPSDD response to ATSIIEB generic questions, December 2017, p.4.

665 EPSDD response to ATSIIEB generic questions, December 2017, p.4.

666 EPSDD response to ATSIIEB generic questions, December 2017, p.4.

667 EPSDD response to ATSIIEB generic questions, December 2017, p.4.

668 EPSDD response to ATSIIEB generic questions, December 2017, p.4.

669 EPSDD response to ATSIIEB generic questions, December 2017, p.5.



6.21 The directorate also advised that since many of staff work in care for country ‘they are sought after by the community for their knowledge, expertise and support informally outside of the workplace’.⁶⁷⁰

6.22 The directorate provided the following example:

*... local catchment groups successfully gained funds to develop a Green Army team to restore cultural sites across the ACT. The catchment groups had little understanding of the local Aboriginal and Torres Strait Islander community or how to engage. Our staff advised the catchment groups on how to engage the community, suggested work areas, outlined how to have a culturally safe work environment and linked them with other community groups.*⁶⁷¹

9 Effective policy development and policy impact

6.23 In its written response to the Elected Body’s ninth generic question the directorate indicated that:

*The ACT Heritage Council, building on its endorsement of its Cultural Heritage Reporting Policy, continues to develop policies concerning the repatriation of Aboriginal artefacts, consultation with Representative Aboriginal Organisations (RAO’s) and methodological requirements for archaeological investigations in the ACT.*⁶⁷²

10 Budget allocations to programs, services and clients

6.24 In its written response to the Elected Body’s tenth generic question the directorate indicated that:

Aboriginal NRM Facilitator

- \$151,133 was allocated in 2016–17 ‘to support Aboriginal NRM in the ACT including the employment of the Aboriginal NRM Facilitator, an operational budget and money to catchment groups on Aboriginal NRM’.⁶⁷³

Kickstart My Career Through Culture

- \$195,386 was allocated in 2016–17 ‘to support a coordinator FTE (SOG C) and operational funding’.⁶⁷⁴

2016–17 ACT Heritage Grants

6.25 The directorate also provided a table showing funds for Aboriginal heritage projects provided through 2016–17 ACT Heritage Grants.⁶⁷⁵ This table is reproduced below.

Project	Recipient	Description	Amount
Theodore Aboriginal Artefact Grinding Site	Southern ACT Catchment Group	To highlight the significance and use of the heritage listed Theodore Aboriginal Grinding Groove Site through an interpretive sign as part of the Canberra Tracks program.	\$6,000
Violet’s Park artwork and interpretive signage	Tuggeranong Arts Centre	Artwork and interpretive signage at Violet’s Park, Ngunnawal, named after the greatly respected Ngunnawal elder Violet Bulger (1900–93).	\$10,000
Cultural tree mapping and knowledge sharing	Greening Australia Capital Region	To identify, record, register and protect local, culturally significant trees in the Canberra region.	\$33,742

670 EPSDD response to ATSIIEB generic questions, December 2017, p.5.

671 EPSDD response to ATSIIEB generic questions, December 2017, p.5.

672 EPSDD response to ATSIIEB generic questions, December 2017, p.5.

673 EPSDD response to ATSIIEB generic questions, December 2017, p.5.

674 EPSDD response to ATSIIEB generic questions, December 2017, p.5.

675 EPSDD response to ATSIIEB generic questions, December 2017, pp.5–6.



Project	Recipient	Description	Amount
Digitisation of Lyall Gillespie Collection	Hall School Museum and Heritage Centre	To digitise historian Lyall Gillespie's collection, the largest private collection of Aboriginal objects in the ACT donated to the Hall Museum.	\$7,500
Interpreting and Promoting Red Hill Aboriginal Campsite	Canberra Archaeological Society	To install one interpretive sign at the heritage registered Red Hill Aboriginal Camp.	\$5,000
Black Mountain Woodland Walk interpretive signage	Molonglo Catchment Group	A partnership with the Friends of Black Mountain to further enhance the visitor experience of the Woodland Walk on Black Mountain Nature Reserve including Aboriginal interpretive artworks from Aboriginal artists.	\$15,478

2016–17 ACT Environment Grants

- 6.26 The directorate provided a table showing funds for Aboriginal heritage projects through 2016–17 ACT Environment Grants.⁶⁷⁶ This table is reproduced below.
- 6.27 The directorate advised that both 'grants were in conjunction with Buru Ngunnawal Aboriginal Corporation and ... include establishing an Aboriginal Landcare Group to focus on protecting Aboriginal heritage sites in the Ginninderra catchment area'.⁶⁷⁷

Project	Recipient	Description	Amount
Caring for Ngunnawal Pathways—Integrating Aboriginal and non-Aboriginal NRM in Canberra Northern Reserves	Molonglo Catchment Group	The project aims to involve Ngunnawal people in an understanding of and caring for a key pathway in the Ngunnawal landscape and enable cultural knowledge and land management practices to be shared, applied and integrated with non-Aboriginal NRM practices, in on-ground applications.	\$23,187
Restoration of significant ecological and cultural sites in the Ginninderra Catchment	Ginninderra Catchment Group	This project aims to restore and enhance two nationally threatened ecosystems (Natural Temperate Grasslands and Box-Gum Woodlands) of the Ginninderra Catchment through better management of these ecosystems by the community, including a new Aboriginal Landcare Group.	\$22,625

11 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff

- 6.28 In its written response to the Elected Body's eleventh generic question the directorate indicated that:

*The two main avenues for supporting Aboriginal and Torres Strait Islander staff in EPSDD is the Reconciliation Action Plan (RAP) Group and the Murumbung Ranger Network.*⁶⁷⁸

Reconciliation Action Plan

The EPSDD RAP Group aim to meet quarterly to discuss supporting the Aboriginal and Torres Strait Islander EPSDD staff and community. The RAP Group is Co-Chaired by Dean Freeman (Wiradjuri) and Anna van Dugteren (non-Indigenous) supported by Secretariat, Jessika Spencer (Wiradjuri).

⁶⁷⁶ EPSDD response to ATSIIEB generic questions, December 2017, pp.6–7.

⁶⁷⁷ EPSDD response to ATSIIEB generic questions, December 2017, p.6.

⁶⁷⁸ EPSDD response to ATSIIEB generic questions, December 2017, p.7.



Murumbung Ranger Network

*On 1 July 2016, ACT Parks and Conservation Service (PCS) departed TCCS and joined EPSDD. PCS have a number of Aboriginal identified staff and also the Murumbung Ranger Network that now includes Aboriginal and Torres Strait Islander staff across the Environment Division. Murumbung staff meet once a month to discuss a range of cultural and environmental projects as well as providing mentoring and support.*⁶⁷⁹

12 Aboriginal and Torres Strait Islander cultural awareness training

6.29 In its written response to the Elected Body's twelfth generic question the directorate indicated that:

*Aboriginal and Torres Strait Islander cultural awareness workshops are available to all staff through the whole-of-government training calendar and regular promotion of training is provided. In this reporting period three people (including one senior executive) have participated in cultural awareness training.*⁶⁸⁰

13 Building on knowledge obtained through cultural awareness training

6.30 In its written response to the Elected Body's thirteenth generic question the directorate indicated that:

*The EPSDD RAP Working Group will provide further opportunities for all staff and executives to attend future cultural awareness activities in line with our Innovate RAP currently being developed.*⁶⁸¹

Hearings

6.31 Officers of the Environment, Planning and Sustainable Development Directorate appeared before the Elected Body in hearings on 14 March 2018.

Matters considered

6.32 Matters considered in the course of the hearings included:

- Aboriginal and Torres Strait Islander events attended by the Minister⁶⁸²
- cultural awareness training⁶⁸³
- employment of Aboriginal and Torres Strait Islander people⁶⁸⁴
- planning by the directorate for the next Reconciliation Action Plan⁶⁸⁵
- engagement with the community⁶⁸⁶
- status of various programs and activities —
 - Aboriginal Waterways Assessment⁶⁸⁷

679 EPSDD response to ATSIEB generic questions, December 2017, p.7.

680 EPSDD response to ATSIEB generic questions, December 2017, p.7.

681 EPSDD response to ATSIEB generic questions, December 2017, p.7.

682 *Transcript of evidence*, 14 March 2018, p.100.

683 *Transcript of evidence*, 14 March 2018, pp.100–102; 106–107.

684 *Transcript of evidence*, 14 March 2018, pp. 108–109; 114.

685 *Transcript of evidence*, 14 March 2018, p.102.

686 *Transcript of evidence*, 14 March 2018, pp.98; 99; 102–104; 107–108; 114–115.

687 *Transcript of evidence*, 14 March 2018, pp.104–105.



- Kickstart program⁶⁸⁸
- National Carp Control Plan⁶⁸⁹
- Hall Bike Path⁶⁹⁰
- Namadgi Joint Management Agreement⁶⁹¹
- road signage and/or artwork near Canberra airport.⁶⁹²

Key issues

Aboriginal and Torres Strait Islander events attended by the Minister

- 6.33 During the hearings of 14 March 2018 the Elected Body asked about the number of Aboriginal and Torres Strait Islander events the Minister had attended in the last three years.⁶⁹³
- 6.34 The Director, ACT Parks and Conservation Service, advised that the Minister had attended a 'joint parks and conservation service and community elder event' that was held in Uriarra in July or August 2017. The event provided 'an opportunity to get together and learn about the site, learn a bit about the land management of the site, and an invitation was sent to the community'.⁶⁹⁴
- 6.35 The Director also spoke about the Minister's attendance at the Tidbinbilla open day which had 'a large . . . Aboriginal component' and was attended by many Aboriginal staff. As to details about other events, the question was taken on notice.⁶⁹⁵
- 6.36 The response to this Question Taken on Notice indicated that the Minister had attended a total of 13 Aboriginal and Torres Strait Islander events under all of his portfolio responsibilities from 10 April 2015 to 19 July 2017, including attending four meetings with the Elected Body and two flag raising ceremonies held during NAIDOC Week in 2015 and 2016.⁶⁹⁶

Cultural awareness training

- 6.37 The Elected Body was interested to know about the cultural awareness training delivered in the directorate and whether it included Ngunnawal and traditional custodian content and was delivered by a local provider.⁶⁹⁷
- 6.38 The Elected Body heard that the directorate wanted to 'invest more resources' in cultural heritage training and a session was held for a full day in February with 'the highlight of the day' being a visit by Aunty Matilda who spoke to the group for an hour and a half. The Director, ACT Parks and Conservation Service, told the Elected Body that the presenter was not local but was from the Kimberley and the presentation 'was very useful for our staff, to open some eyes and to understand a little bit more about Aboriginal culture'.⁶⁹⁸
- 6.39 As to what efforts were made to find a local provider to present, the question was taken on notice.⁶⁹⁹

688 *Transcript of evidence*, 14 March 2018, pp.105–106; 116.

689 *Transcript of evidence*, 14 March 2018, p.111.

690 *Transcript of evidence*, 14 March 2018, p.112.

691 *Transcript of evidence*, 14 March 2018, pp.109–111; 113.

692 *Transcript of evidence*, 14 March 2018, pp.112–113.

693 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.100.

694 Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.100.

695 Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.100.

696 Dr Erin Brady, Response to Question Taken on Notice at hearings of 14 March 2018, signed 26 April 2018.

697 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.100.

698 Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.101.

699 Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.101.



- 6.40 The Chief Operating Officer added some detail regarding 'training, and ... learning and development, and particularly the cultural aspects related to the learnings of Ngunnawal'. He advised that the directorate had invested 'in a centralised stream' and that 'a number of resources' are 'focused on learning and training needs in the directorate'. He said that 'a centralised learning and management system' was about to be launched which will provide 'a central platform for managers to have visibility around training that is directly related to activities they might undertake.' He also said that there was 'a great opportunity to incorporate cultural awareness training into that system'.⁷⁰⁰
- 6.41 Cultural awareness training was referred to again later in the hearing when the Elected Body asked about the number of staff who had attended the training and their classification levels.⁷⁰¹ However, the question was taken on notice.⁷⁰²
- 6.42 The response to the question taken on notice indicated that since 2014, 63 directorate staff had attended cultural awareness training and the classifications levels of attendees ranged from ASO4 to Senior Officer and also included park rangers and senior executives.⁷⁰³

Employment of Aboriginal and Torres Strait Islander people

- 6.43 During the hearing the Elected Body heard that the directorate was taking 'multiple approaches' regarding the employment and retention of Aboriginal and Torres Strait Islander staff, including:
- the Reconciliation Action Plan is a 'key part' and the provision of cultural awareness training⁷⁰⁴
 - quarterly reporting to monitor the number of staff who have identified as Aboriginal and Torres Strait Islander, as well as other metrics such as training and workplace health and safety⁷⁰⁵
 - twenty-two employees in the directorate have identified as Aboriginal and Torres Strait Islanders though they are at lower classification levels⁷⁰⁶
 - the directorate had initiated the Murrumbung Yurung Murra network of employees so Aboriginal staff can support each other and get access to elders in the workplace⁷⁰⁷
 - the directorate is looking to identify two trainee ranger positions in the Parks Service to be filled before the end of the year.⁷⁰⁸

Planning by the directorate for the next Reconciliation Action Plan

- 6.44 During the hearing of 14 March 2018, the Elected Body asked officials about plans to develop the next Reconciliation Action Plan.⁷⁰⁹
- 6.45 The Deputy Director-General, Land Strategy and Environment, advised the Elected Body that a 'new executive sponsor' had been assigned 'with the focus that we need to get that group broadened out and focused on particular activities and tasks.' She said: 'The group so far have been predominantly Aboriginal and Torres Strait Islanders, and one of the things we are trying to do is to get diversity in the group'. She told the Elected Body that the directorate was looking to learn lessons from the other directorates such as TCCS which 'had a much more successful experience'.⁷¹⁰

700 Mr Chris Reynolds, *Transcript of evidence*, 14 March 2018, pp.101–102.

701 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.106.

702 Mr Chris Reynolds, *Transcript of evidence*, 14 March 2018, p.107.

703 Dr Erin Brady, Response to Question Taken on Notice at hearings of 14 March 2018, signed 26 April 2018.

704 Mr Chris Reynolds, *Transcript of evidence*, 14 March 2018, p.108.

705 Mr Chris Reynolds, *Transcript of evidence*, 14 March 2018, p.108.

706 Mr Chris Reynolds, *Transcript of evidence*, 14 March 2018, p.108.

707 Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.108.

708 Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.109.

709 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.102.

710 Dr Erin Brady, *Transcript of evidence*, 14 March 2018, p.102.



- 6.46 The Chief Operating Officer explained that the focus of the current Reconciliation Action Plan is 'reflect' and it has been in place for some time. He told the Elected Body that 'in recognising some of the opportunities for improved delivery and engagement' the next Plan will be titled the 'innovate' Reconciliation Action Plan. He assured the Elected Body that 'there is a clear commitment now with the 'innovate' Reconciliation Action Plan'.⁷¹¹
- 6.47 Later in the hearing, the Elected Body suggested that the Plan 'include employment targets, specific Aboriginal and Torres Strait Islander strategies, including around engagement'.⁷¹²

Engagement with the community

- 6.48 Engagement with the community was a particular focus of discussion during the hearing with officials from EPSDD of 14 March 2018.
- 6.49 In her opening remarks, the Deputy Director-General, Land Strategy and Environment, told the Elected Body that the advice the Director-General had been provided was helping 'to improve our engagement with the community' and that that was 'something we need to develop further and focus on'.⁷¹³ She went on to say that the directorate was 'looking at different ways of engagement, better ways of engagement with the community, not just traditional consultation methods.' She stated that 'has been one of our focuses of being more citizen-focused and outcomes-focused and looking at new ways to collaborate with people across the community'.⁷¹⁴
- 6.50 The Elected Body asked about 'the priorities of the ACT Aboriginal natural resource management program when involving Aboriginal and Torres Strait Islander peoples and traditional owners in current and future projects'.⁷¹⁵
- 6.51 The Director, ACT Parks and Conservation Service, stated: 'We would like to see an improvement in the way we engage with our Aboriginal community. We have identified the need to engage meaningfully with community as one of our top priorities'. He expressed the view that at times 'the community can be under-engaged and at times over-engaged'.⁷¹⁶ He said that there were many things that would involve engagement with the community in the next 12 months, including Aboriginal trainees in the parks service, cultural burning and the interpretation of assets.⁷¹⁷
- 6.52 The Manager, Natural Resource Management (NRM) Programs, provided the Elected Body with extra detail. He explained that ACT NRM delivers programs on behalf of the ACT and the Commonwealth Governments. He then outlined two programs—Kickstart your Career and the Aboriginal natural resource management facilitator.⁷¹⁸
- 6.53 The Manager said that the Aboriginal natural resource management facilitator had been funded for the last five years. He said that they have applied for funding for the Aboriginal facilitator to 'oversee the development of a healthy country plan' and work had commenced 'to shape some of the main areas that could appear in a healthy country plan.' He explained that four priority areas had been identified:
- **Protecting country**—which is about 'protecting significant sites and land management practices'
 - **Connecting with country and culture**—about 'engaging community with cultural heritage activities'
 - **Supporting cultural tourism**—focusing on economic development
 - **Pathways to employment**—about 'supporting and developing career pathways'.⁷¹⁹

711 Mr Chris Reynolds, *Transcript of evidence*, 14 March 2018, p.102.

712 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.116.

713 Dr Erin Brady, *Transcript of evidence*, 14 March 2018, p.98.

714 Dr Erin Brady, *Transcript of evidence*, 14 March 2018, p.99.

715 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.102.

716 Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.102.

717 Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.103.

718 Mr Tim Wong, *Transcript of evidence*, 14 March 2018, p.103.

719 Mr Tim Wong, *Transcript of evidence*, 14 March 2018, p.103.



- 6.54 The Manager also explained that substantive work on the plan would commence from the start of the new financial year and will extend over five years.⁷²⁰
- 6.55 The Deputy Director-General again emphasised that engagement was ‘a big thing’ for both the government and the directorate. She said that ‘traditional consultation, meetings and those sorts of things’ does not necessarily provide ‘the most fruitful input.’ She said that the directorate was ‘focused on looking at the best way to connect with the community, and that is the cross-section of community including Aboriginal and Torres Strait Islander community. We are open to working out what is the best way to do that’.⁷²¹
- 6.56 During the discussion the Elected Body expressed interest in knowing how the directorate’s directors engaged with Aboriginal and Torres Strait Islander communities in the ACT.⁷²²
- 6.57 The Director, ACT Parks and Conservation Service, explained that his area had a number of Aboriginal staff including rangers and that he understood ‘the value-adding that is available from people in the community — the huge amount of knowledge that is in people’s lived experiences.’ He explained how he had recently met with Aunty Matilda and Aunty Roslyn Brown and that he would be addressing the UNEC group every quarter.⁷²³
- 6.58 The Elected Body then asked whether directors from other areas in the directorate had the ‘same amount of interaction with the Aboriginal and Torres Strait Islander community’⁷²⁴ and it was advised that it was:
- ... not the same amount of interaction because it is ... a slightly different context. In the consultation and engagement we do around planning proposals or strategic planning, master plans, those sorts of things, perhaps that is an area that we need to address, the same as we have been looking at a range of things to make sure that we get the right cross-section of the community ... And maybe we can learn something from our environment colleagues on how we do that ...*⁷²⁵
- 6.59 Later in the hearing, the Elected Body sought advice about the work the directorate had done ‘to engage with the broader community as consumers’ of its services, and whether there were any engagement strategies used in the directorate that could be used to better engage with the Aboriginal and Torres Strait Islander community.⁷²⁶
- 6.60 The Elected Body heard that the directorate ‘had been doing a lot of work around engagement, that it had been working with CMTEDD which was ‘driving a lot of new engagement’, it was trialling social media, it had moved into ‘co-design’, and held focus groups with people ‘to get more of a cross-section’.⁷²⁷ As for the ‘participation rate’ of Aboriginal and Torres Strait Islanders, how many of them had participated, what they have said and what the directorate has done with it, the question was taken on notice.⁷²⁸

Status of various programs and activities

- 6.61 During the hearing the Elected Body asked directorate officials to provide it with an update on a number of programs and activities including (i) Aboriginal Waterways Assessment; (ii) the Kickstart program; (iii) the National Carp Control Plan; and (iv) Hall Bike Path. A summary of the information discussed about these during the hearing is provided below.

⁷²⁰ Mr Tim Wong, *Transcript of evidence*, 14 March 2018, p.103.

⁷²¹ Dr Erin Brady, *Transcript of evidence*, 14 March 2018, p.104.

⁷²² ATSIIEB, *Transcript of evidence*, 14 March 2018, p.107.

⁷²³ Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.107.

⁷²⁴ ATSIIEB, *Transcript of evidence*, 14 March 2018, p.107.

⁷²⁵ Dr Erin Brady, *Transcript of evidence*, 14 March 2018, p.107.

⁷²⁶ ATSIIEB, *Transcript of evidence*, 14 March 2018, p.115.

⁷²⁷ Dr Erin Brady, *Transcript of evidence*, 14 March 2018, p.115.

⁷²⁸ Dr Erin Brady, *Transcript of evidence*, 14 March 2018, pp.115–16.



Aboriginal Waterways Assessment

- 6.62 In relation to Aboriginal Waterways Assessment the Elected Body heard that the directorate would like to have another community meeting with those community members who undertook the water assessments and others who wished to be involved to 'go through the assessments . . . to identify some objectives and actions' that the community would like the directorate to undertake 'in partnership with community'.⁷²⁹
- 6.63 As to the process for alerting the traditional custodians, the Elected Body was advised that invitations would be emailed, or sent to those without email, and there would be follow up phone calls.⁷³⁰
- 6.64 The Deputy Director-General added that it was recognised that the directorate needed to alert a member of the Elected Body so that contact could be made with elders and other groups. She said: 'That is something we are probably learning to do a lot better'.⁷³¹

Kickstart program

- 6.65 The Elected Body was told that the Kickstart program commenced in October 2016 and it concludes in 2020 so it was at the halfway point. It was told that the program is run by an Aboriginal staff member who works in the directorate but spends a lot of time in the Education Directorate or in schools.⁷³²
- 6.66 In regards to future work, the Deputy Director-General advised the Elected Body that the person in the field 'felt they were being stretched a bit and the number of students engaged was perhaps too demanding' so they have been reviewing the number of facilitators.⁷³³
- 6.67 The Elected Body was also told that initial consultation in the program was mainly with parents, students and the broader school community. It heard that the program was initiated with 'an idea about setting up some trials' and some barriers to the success of the program were identified. It also heard that a researcher from the University of Canberra had been engaged to evaluate the effectiveness of the program in achieving outcomes for the target students and an assessment will be made about whether the program incorporates best practice.⁷³⁴
- 6.68 The Elected Body was advised that the program had involved a range of young people mainly in schools but also at Bimberi and the program was moving into 'a new phase' to include 'very high-risk youth'. It was also told that as this occurs, it is intended that consultation continue with targeting agencies such as Gugan Gulwan, Winnunga, Marymead, and Narrabundah House as well as relevant ACT Government directorates, and that the program coordinator had been engaging with many parents and other family members of the target students.⁷³⁵
- 6.69 As to the effectiveness of Kickstart, the Elected Body observed: ' . . . without hesitation, the programs that you have been running in that space, and the outcomes and the work in that space, are excellent'.⁷³⁶

729 Ms Mary Mudford, *Transcript of evidence*, 14 March 2018, p.104.

730 Ms Mary Mudford, *Transcript of evidence*, 14 March 2018, p.105.

731 Dr Erin Brady, *Transcript of evidence*, 14 March 2018, p.105.

732 Mr Tim Wong, *Transcript of evidence*, 14 March 2018, p.105.

733 Dr Erin Brady, *Transcript of evidence*, 14 March 2018, p.105.

734 Mr Tim Wong, *Transcript of evidence*, 14 March 2018, p.106.

735 Mr Tim Wong, *Transcript of evidence*, 14 March 2018, p.106.

736 ATSIEB, *Transcript of evidence*, 14 March 2018, p.116.



National Carp Control Plan

- 6.70 With regard to the National Carp Control Plan, the Elected Body was told that a decision had not yet been made to release the virus to control the carp but it was expected that Environment Ministers would make a decision by the end of the year. It heard that the Commonwealth Government was leading engagement across Australia but that the directorate wished to engage with Aboriginal and Torres Strait Islanders and that two public sessions had been held 'to put forward the idea about what is proposed.' The Elected Body was told that a number of concerns about the proposal had been expressed but that the directorate 'is at the stage in the planning where we are asking for issues'.⁷³⁷

Hall bike path

- 6.71 In relation to the Hall Bike Path, the Manager, ACT Heritage, told the Elected Body that 'a statement of heritage effects' had been completed and submitted to the Heritage Council. It was explained that the submission identified what was going to be done to mitigate the impact of the path on heritage sites. She also advised the Elected Body that additional information had been requested from TCCS about other options for the placement of the bike path given what is known about the likelihood of a high density of artefacts.⁷³⁸

Namadgi Joint Management Agreement

- 6.72 The Elected Body asked how the directorate was going 'in progressing' the Namadgi Joint Management Agreement.⁷³⁹
- 6.73 The Director, ACT Parks and Conservation Service, told the Elected Body that the document was produced in 2001⁷⁴⁰ and that while the Agreement continued the activity that was established under the Agreement lapsed. He told the Elected Body that a couple of years ago it was suggested in the directorate that an Aboriginal elders parks advisory group be established 'to advise our Aboriginal and non-Aboriginal staff about things cultural in relation to all our protected areas, not just Namadgi'. When the idea was tested with the Aboriginal community, however, he said that some asked why a new group was being set up when there was already a Namadgi group though it hadn't been used for a while.⁷⁴¹
- 6.74 As he explained, the directorate was currently investigating the legal status of the Namadgi Agreement and what the families who signed it think about it. He said that the directorate wants 'to have the capacity to get advice from the local community'.⁷⁴²

737 Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.111.

738 Ms Jennifer O'Connell, *Transcript of evidence*, 14 March 2018, p.112.

739 ATSIIEB, *Transcript of evidence*, 14 March 2018, p.109.

740 The management agreement for Namadgi National Park was, according to Mr Gary Humphries MLA, then Chief Minister of the ACT, 'an open agreement' signed in early June 2001 by the ACT Government and representatives of the Ngunnawal People under which the Government offered leasehold to those who accept a 'non-exclusive' offer. The Chief Minister told the ACT Legislative Assembly on 19 June 2001, that 'the people who were signatories were essentially people who had brought a claim in the Native Title tribunal for recognition of land rights in respect of the ACT. He also said: 'The people who have taken that up are obviously pleased and supportive of that process. As I have said before, others who wish to take on board those rights will be perfectly entitled to do so at any stage in the future'. Mr Gary Humphries MLA, ACT Legislative Assembly, *Hansard*, 19 June 2001, pp. 2,038; 2,039. Mr Trevor Kaine MLA noted in a question he put to the Chief Minister that according to *The Canberra Times*, 'this agreement, rather than encouraging a spirit of reconciliation, had widened a rift which already was evident in the local Aboriginal community'. Mr Trevor Kaine MLA, ACT Legislative Assembly, *Hansard*, 19 June 2001, p.239. See www.hansard.act.gov.au/hansard/2001/pdfs/20010619.pdf [accessed 14 June 2018]. On World Environment Day, 6 June 2002, Mr Bill Wood MLA made a Ministerial Statement to the ACT Legislative Assembly which noted that 'a new management plan for Namadgi National Park will be prepared in conjunction with the Ngunnawal community'. Mr Bill Wood MLA, ACT Legislative Assembly, *Hansard*, 6 June 2002, p.2092. See www.hansard.act.gov.au/hansard/2002/pdfs/20020606.pdf [accessed 14 June 2018].

741 Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.109.

742 Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.109.



- 6.75 At that point in the hearing, the Manager, Healthy Country, indicated that she had started to engage with the signatories of the Agreement and that was continuing, and that after that she intended to engage with the witnesses of the Agreement before taking it to the community more broadly.⁷⁴³ During the discussion, she confirmed that the Namadgi Agreement is still current.⁷⁴⁴
- 6.76 When the Elected Body asked how many times the Namadgi Joint Management Agreement Board had met, it was advised that it had not met since 2005–06. The Elected Body heard that the board had developed a Namadgi Plan of Management.⁷⁴⁵
- 6.77 A member of the Elected Body recalled that a native title agreement was signed off but a decision was made to take it to the Namadgi Interim Advisory Board in regards to the Namadgi Reserve.⁷⁴⁶
- 6.78 The response to the question taken on notice provided the names of the ten members of the Namadgi Advisory Board but indicated that the management of the Namadgi National Park has not had access to the Advisory Board since 2006 when it ceased to operate.⁷⁴⁷
- 6.79 As to the current membership of the Namadgi Joint Management Agreement Board, the Elected Body was told that there is no board operating at the moment so there wasn't any membership.⁷⁴⁸
- 6.80 The Director, ACT Parks and Conservation Service, advised that since neither he, nor the Manager, Healthy Country, were there when the Agreement existed, they were:

... getting to understand what it is, what its purpose is, what its legal standing is, what the options are and where we could take it: whether it is in everyone's interest to pursue that advisory board again with the signatories, whether we need to broaden that to a bigger group or whether the community is interested in broadening its scope. It is really taking a step back and asking ourselves what we are trying to achieve by a group like this and what is the best outcome for the community.⁷⁴⁹

743 Ms Mary Mudford, *Transcript of evidence*, 14 March 2018, p.109.

744 Ms Mary Mudford, *Transcript of evidence*, 14 March 2018, p.110.

745 Ms Mary Mudford, *Transcript of evidence*, 14 March 2018, p.110.

746 ATSIEB, *Transcript of evidence*, 14 March 2018, p.110.

747 Dr Erin Brady, Response to Question Taken on Notice at hearings of 14 March 2018, signed 26 April 2018.

748 Ms Mary Mudford, *Transcript of evidence*, 14 March 2018, p.110.

749 Mr Daniel Iglesias, *Transcript of evidence*, 14 March 2018, p.111.



Elected Body comment

Summary

Written responses

- 6.81 Written responses by the Environment, Planning and Sustainable Development Directorate to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT
- 6.82 These included:
- the work of the Aboriginal NRM Facilitator⁷⁵⁰
 - the Kickstart My Career through Culture program⁷⁵¹
 - various projects which have a focus on Aboriginal culture, on land management and the environment—including, the work of the Namadgi Rock Art Working Group and Aboriginal Waterways Assessments⁷⁵²
 - the funding of various projects with an Aboriginal and Torres Strait Islander focus through heritage grants and environmental grants.⁷⁵³

Responses in hearings

- 6.83 Matters which were considered in some detail during the hearing included:
- Aboriginal Waterways Assessment⁷⁵⁴
 - the Kickstart My Career through Culture program⁷⁵⁵
 - National Carp Control Plan⁷⁵⁶
 - Hall Bike Path⁷⁵⁷
 - the Namadgi Joint Management Agreement.⁷⁵⁸

⁷⁵⁰ EPSDD response to ATSIEB generic questions, December 2017, p.1.

⁷⁵¹ EPSDD response to ATSIEB generic questions, December 2017, pp.1–2.

⁷⁵² EPSDD response to ATSIEB generic questions, December 2017, p.3.

⁷⁵³ EPSDD response to ATSIEB generic questions, December 2017, pp.5–7.

⁷⁵⁴ *Transcript of evidence*, 14 March 2018, pp.104–105.

⁷⁵⁵ *Transcript of evidence*, 14 March 2018, pp.105–106; 116.

⁷⁵⁶ *Transcript of evidence*, 14 March 2018, p.111.

⁷⁵⁷ *Transcript of evidence*, 14 March 2018, p.112.

⁷⁵⁸ *Transcript of evidence*, 14 March 2018, pp.109–111; 113.



Elected Body views and recommendations

- 6.84 The Elected Body notes that Natural Resource Management plays a critical role in the delivery of programs for the directorate which impact significantly on Aboriginal and Torres Strait Islander people in the ACT.
- 6.85 The Elected Body also notes that the program area delivers on behalf of both the Commonwealth and the ACT Government and hopes that the area is always sufficiently resourced to deliver programs for the benefit of Aboriginal and Torres Strait Islander community, including the Kickstart program.
- 6.86 It is the strong view of the Elected Body that attention should be given to measuring the outcomes achieved by all programs delivered to assist Aboriginal and Torres Strait Islander people, this is reflected in the questions it has asked government officials in the current hearings process.
- 6.87 The Elected Body is thus pleased to learn through the hearings with officials from the Environment, Planning and Sustainable Development Directorate that an evaluation is to be undertaken of the Kickstart program with the aim of assessing its effectiveness in assisting young people at risk, and to compare it with best practice.
- 6.88 The Elected Body looks forward to learning about the results of the evaluation when the report is made available, but in the interim signals that feedback about the program that has been provided to the Elected Body suggests the program is resulting in positive outcomes for students who participate. The Elected Body notes that the reported completion rate of 62 out of 75 students who were considered to be at risk and had disengaged from learning but had signed up for the program appears to be a promising result.
- 6.89 However, the Elected Body is very concerned to hear about the demise of the Namadgi Interim Advisory Board which it understands was intended to facilitate cooperative management of the Namadgi National Park. The Elected Body is particularly disappointed to learn that while it was established in 2001 as part of an agreement between the ACT Government and members of the Ngannawal Aboriginal community, it was no longer operational by late 2006.
- 6.90 The Elected Body is also very concerned that it appears that since 2006 there have been no formal governance structures in place to facilitate the cooperative management of Namadgi National Park. This is detrimental not only to the effective management of Namadgi but to the entire community in the Territory.
- 6.91 In 2008 the ACT Standing Committee on Planning and Environment held an inquiry into the Namadgi National Park Draft Plan of Management and in the course of its inquiry the committee investigated and reported upon the background to the establishment of the Interim Namadgi Advisory Board, its operation, achievements and some of the difficulties it faced in dealing with complex issues and board dynamics.⁷⁵⁹
- 6.92 The Committee's report, which was completed on 5 August 2008, made a number of important findings and made 22 recommendations. The report made clear that the ACT Government agency which had administrative oversight at the time, failed to follow established guidelines for community engagement, as set out in the ACT Government Community Engagement Manual, and did not keep the community informed of the progress of the Draft Management Plan following consultation. It was also found that the government agency did not write formally to members of the board to advise them that it would be ending, to thank them for their participation or advise them about the possible future of the board.
- 6.93 In its report the ACT Committee on Planning and Environment made four recommendations with reference to the interim board, these are reproduced below.

759 Standing Committee on Planning and Environment, *Report 34: Inquiry into the Namadgi National Park Draft Plan of Management*, July 2008. The report as well as submissions, transcripts of witness testimony and the government's response to the committee's report are available on the inquiry webpage. See www.parliament.act.gov.au/in-committees/previous-assemblies/Standing-Committees-Sixth-Assembly/Standing-Committee-on-Planning-and-Environment/34.-Inquiry-into-the-Namadgi-National-Park-Draft-Plan-of-Management/Issue-Papers,-Reports-and-Government-Responses [accessed 12 June 2018].

Recommendation 3

The committee recommends that the Department of Territory and Municipal Services finalise the future role, if any, of the Interim Namadgi Advisory Board.

Recommendation 4

The committee recommends that the Department of Territory and Municipal Services update members of the Interim Namadgi Advisory Board on the status of the board and thank members for their participation.

Recommendation 5

If the interim board ceases to function, the committee recommends that a joint management board be established for permanent cooperative management, taking into account the experiences and knowledge of the former Interim Namadgi Advisory Board members.

Recommendation 6

The committee recommends that any future advisory board is appropriately resourced and supported, including suitable remuneration arrangements for board members.

- 6.94 It is the view of the Elected Body that the Environment, Planning and Sustainable Development Directorate should engage with representatives of the Aboriginal and Torres Strait Islander community to re-establish governance arrangements for the joint management of Namadgi National Park.
- 6.95 In light of the above, the Elected Body makes the following recommendation.

RECOMMENDATION 15

- 6.96 **The Elected Body recommends that the Environment, Planning and Sustainable Development Directorate engage with representatives of the Aboriginal and Torres Strait Islander community to re-establish appropriate governance arrangements to facilitate the joint management of Namadgi National Park.**



ACT Aboriginal and
Torres Strait Islander Elected Body

REPORT ON THE
OUTCOMES OF THE
ATSIEB HEARINGS
2018 **DAY TWO**



7 EDUCATION DIRECTORATE

Introduction

- 7.1 Representatives of the Education Directorate appeared before the ATSIEB in hearings on 15 March 2018.
- 7.2 The directorate's written responses to the Elected Body's generic questions and the testimony of witnesses at hearings are considered below.

Responses to generic questions

1 Equitable access and increased impact

- 7.3 In its written response to the Elected Body's first generic question the directorate indicated that:

*The Education Directorate continuously seeks to achieve more equitable education outcomes to meet the needs and aspirations of all Aboriginal and Torres Strait Islander students. The Education Directorate acknowledges that there is significant work to be done in this area to improve equity of access and outcomes for Aboriginal and Torres Strait Islander students.*⁷⁶⁰

- 7.4 The directorate's response provided information about various matters including:

- In 2016 the apparent retention rate 'from Year 7 to Year 12 for Aboriginal and Torres Strait Islander public school students was 98.8 per cent' while the rate for non-Indigenous students in 2016 was 100 per cent.⁷⁶¹
- In 2016, '64 Aboriginal and Torres Strait Islander students achieved an ACT Senior Secondary Certificate, representing a Year 12 completion rate of 73 per cent' and 20 of these 64 students received a Tertiary Entrance Statement'.⁷⁶²
- In 2016, the ACT attendance rate for Aboriginal and Torres Strait Islander students in Years 1–10 was 85.4 per cent. The 'ACT is one of only three jurisdictions on track to meet the COAG target for attendance rates for Aboriginal and Torres Strait Islander students by 2018'.⁷⁶³
- From 2009 to 2017 inclusive, 51 Aboriginal and Torres Strait Islander senior secondary students were awarded scholarships — 38 were provided for teaching, 12 for health and one for vocational education. In 2016, six scholarships were awarded.⁷⁶⁴
- From '2009 to 2017 inclusive, 26 tertiary scholarships were awarded — 22 for students undertaking teaching degrees and four for students studying an approved health degree'.⁷⁶⁵
- In order to improve outcomes for Indigenous children and families, Children's Education and Care Assurance (CECA) 'promotes and applies cultural competence as a part of its approach to quality assurance under the National Law for Assessment and Rating'.⁷⁶⁶

760 ED response to ATSIEB generic questions, March 2018, p.1.

761 ED response to ATSIEB generic questions, March 2018, p.1.

762 ED response to ATSIEB generic questions, March 2018, p.1.

763 ED response to ATSIEB generic questions, March 2018, p.1.

764 ED response to ATSIEB generic questions, March 2018, p.1.

765 ED response to ATSIEB generic questions, March 2018, p.2.

766 ED response to ATSIEB generic questions, March 2018, p.2.

2 Implementation of the ACT Aboriginal and Torres Strait Islander Agreement

7.5 In its written response to the Elected Body's second generic question the directorate indicated that:

- The Education Directorate 'provides a range of programs and opportunities to support Aboriginal and Torres Strait Island students to reach their potential'.⁷⁶⁷
- Some examples of 'best practice which are occurring across Canberra public schools' include:
 - the commitment of staff to implement the directorate's Reconciliation Action Plan
 - providing access for Aboriginal and Torres Strait Islander families to the Koori Preschool Program across five schools
 - partnerships between schools and the community to embed Aboriginal and Torres Strait Islander perspectives in the curriculum and school activities
 - a new approach to school funding to support Aboriginal and Torres Strait Islander students through the Student Resource Allocation project
 - the vibrancy of the directorate's Aboriginal and Torres Strait Islander Staff Network
 - annual Buroinjin carnivals and the Inner North Aboriginal and Torres Strait Islander Community Cluster carnivals
 - the commitment of schools to recognise and observe Sorry Day, Reconciliation Week and NAIDOC Week
 - providing secondary and tertiary scholarships to Aboriginal and Torres Strait Islander students pursuing health and teaching careers
 - development of ACT-specific learning resources
 - a growing number of bush tucker gardens in schools.⁷⁶⁸

7.6 The directorate's response also advised that:

- The Network Student Engagement Team works with schools and their communities to promote a stronger engagement of Aboriginal and Torres Strait Islander students by:
 - providing innovative and tailored learning programs (such as access to work experience)
 - providing wrap-around support for student with complex needs and challenging behaviours
 - fostering better engagement and support for parents and families
 - offering quality learning and teaching.⁷⁶⁹
- From 2018, new resources were being provided to schools to support the creation of 'an environment of high expectations for students and schools' and each 'school community will benefit from higher Cultural Integrity, with Aboriginal and Torres Strait Islander perspectives embedded throughout teaching and learning, and into the physical school environment'.⁷⁷⁰

3 Aboriginal and Torres Strait Islander organisations and community

7.7 In its written response to the Elected Body's third generic question the directorate indicated that:

- The directorate 'regularly consults with, and provides secretariat support to, the ACT Aboriginal and Torres Strait Islander Education Advisory Group ... on local and national education issues regarding Aboriginal and Torres Strait Islander students and families'.⁷⁷¹
- The directorate 'is committed to participating in community events that celebrate Aboriginal and Torres Strait Islander cultures' with examples including:

767 ED response to ATSIEB generic questions, March 2018, p.2.

768 ED response to ATSIEB generic questions, March 2018, pp.2–3.

769 ED response to ATSIEB generic questions, March 2018, pp.2–3.

770 ED response to ATSIEB generic questions, March 2018, p.3.

771 ED response to ATSIEB generic questions, March 2018, p.3.



- a National Reconciliation Week calendar of Education Support Office events
- an information stall at the 2017 ACT NAIDOC Family Day held at the University of Canberra
- planning and hosting the annual NAIDOC by the Lake celebrations at the Belconnen Arts Centre with Community Services Directorate and Belconnen Community Services
- table sponsorship at the 2017 ACT NAIDOC Ball.⁷⁷²
- The directorate held consultations with Aboriginal and Torres Strait Islander stakeholders in developing and implementing the process for the Aboriginal and Torres Strait Islander Student Resource Allocation project.⁷⁷³
- The Network Student Engagement Team 'works with community organisations such as Gugan Gulwan and the Winnunga Nimmityjah Aboriginal Health Centre to support student engagement'.
- The directorate 'works with Aboriginal and Torres Strait Islander organisations and individuals' to support: 'learning, cultural and vocational activities for students at the Murrumbidgee Education and Training Centre; ... the transition of students with disability into the National Disability Insurance Scheme (NDIS); [and] ... students' transition into the NDIS at Jervis Bay School'.⁷⁷⁴

4 Increased knowledge of the Agreement amongst staff

7.8 In its written response to the Elected Body's fourth generic question the directorate indicated that:

- The Aboriginal and Torres Strait Islander Staff Network is invited to attend quarterly meetings of the Senior Executive Team 'to discuss matters relevant to Aboriginal and Torres Strait Islander staff and programs'.⁷⁷⁵
- The Director-General meets regularly with the Education representative of the Elected Body and the Aboriginal and Torres Strait Islander Education Consultative Group to discuss education related issues that affect the Aboriginal and Torres Strait Islander community.⁷⁷⁶
- A three-day strategic cultural integrity workshop for the directorate's entire corporate team in late 2017 enabled 'robust cultural action plans for schools and the Education Support Office' to be developed.⁷⁷⁷

5 Aboriginal and Torres Strait Islander staffing profile

7.9 In its written response to the Elected Body's fifth generic question the directorate indicated that:

- it employed 87 people who identified as Aboriginal and Torres Strait Islanders (1.5 per cent)
- there were 27 identified positions
- of the 87 Aboriginal and Torres Strait Islander staff 65 were female and 22 were male.⁷⁷⁸

⁷⁷² ED response to ATSIEB generic questions, March 2018, pp.3–4.

⁷⁷³ ED response to ATSIEB generic questions, March 2018, p.4.

⁷⁷⁴ ED response to ATSIEB generic questions, March 2018, p.4.

⁷⁷⁵ ED response to ATSIEB generic questions, March 2018, p.4.

⁷⁷⁶ ED response to ATSIEB generic questions, March 2018, p.4.

⁷⁷⁷ ED response to ATSIEB generic questions, March 2018, pp.4–5.

⁷⁷⁸ ED response to ATSIEB generic questions, March 2018, p.5.



7.10 The directorate also provided a table showing the classification levels of its Aboriginal and Torres Strait Islander employees.⁷⁷⁹ This table is reproduced below.

Classification	Number
Administrative Services Officer 2	1
Administrative Services Officer 4	2
Administrative Services Officer 5	2
Administrative Services Officer 6	2
Building Services Officer 1	1
Classroom Teacher	37
Graduate	1
Indigenous Trainee	2
Learning Support Assistant 2	3
Learning Support Assistant 2/3	4
Learning Support Assistant 3	10
Learning Support Assistant 4	10
Senior Leader A Principal	1
Senior Leader B Deputy Principal	4
Senior Leader C Executive Teacher	3
Senior Officer B	1
Senior Officer C	3
Total	87

7.11 The directorate's response advised that it offers the following professional development opportunities:

- the Aspiring Leaders Program for school leaders, in conjunction with Melbourne Graduate School of Education
- the Education, Business Leadership, Finance and Resource Management Program for school business managers, in conjunction with Deakin University
- the Teacher Scholarship Program, with up to \$8,000 awarded
- Non-teaching School Staff Traineeship Program, in conjunction with CIT and other Registered Training Organisations⁷⁸⁰
- the 'Aboriginal and Torres Strait Islander Staff Network is currently working with People and Performance branch to connect employees with a mentor and build a pool of mentors'.⁷⁸¹

7.12 The directorate's response advised that it was increasing Aboriginal and Torres Strait Islander representation by:

- The People and Performance Branch supporting schools and sections with identified Aboriginal and Torres Strait Islander positions to advertise positions in appropriate locations and by providing advice about selection processes and the composition of panels.⁷⁸²
- Canberra public schools include five Koori preschools with an identified teacher assistant position.⁷⁸³

779 Education Directorate, Table emailed to ATSIIEB Secretariat, 5 July 2018.

780 ED response to ATSIIEB generic questions, March 2018, p.5.

781 ED response to ATSIIEB generic questions, March 2018, p.5.

782 ED response to ATSIIEB generic questions, March 2018, p.5.

783 ED response to ATSIIEB generic questions, March 2018, pp.5–6.



6 Aboriginal and Torres Strait Islander leadership

7.13 In its written response to the Elected Body's sixth generic question the directorate indicated that:

Informal mentoring has provided guidance, encouragement and support which has resulted in successful principal selection during the year. The ongoing development of cultural safety has supported another principal to identify as Aboriginal.

The formalised meeting between the Staff Network Executive and the Senior Executive Team is resulting in a project associated with leadership development opportunities and culturally-safe recruitment practices.⁷⁸⁴

7 Management positions

7.14 In its written response to the Elected Body's seventh generic question the directorate indicated that:

- All 'management positions in the Aboriginal and Torres Strait Islander Education section are ... filled by Aboriginal and/or Torres Strait Islander people'.⁷⁸⁵

8 Focused and effective services

7.15 In its written response to the Elected Body's eighth generic question the directorate indicated that it:

- uses various strategies 'to target student performance and achievement for all students, including Aboriginal and Torres Strait Islander students in Canberra public schools' and the 'student is at the centre' of these strategies
- provides detailed evidence of its delivery of focused and effective services to Aboriginal and Torres Strait Islander people in its *Annual Report 2016–17* and the *Aboriginal and Torres Strait Islander Education 2016–17 Report* to the ACT Legislative Assembly.⁷⁸⁶
- 'is focused on delivering better outcomes and more equity for Aboriginal and Torres Strait Islander students'.⁷⁸⁷

9 Effective policy development and policy impact

7.16 In its written response to the Elected Body's ninth generic question the directorate indicated that:

- A 2016 review of Aboriginal and Torres Strait Islander education in the ACT found that a differential remains between Indigenous and non-Indigenous students after controlling for observable factors which impact on educational outcomes, including mobility, attendance, socio-economic status and innate ability. Research suggested that the explanation for this was school cultural factors, or cultural integrity.⁷⁸⁸
- The Education Support Office 'will continue to deliver targeted support programs, including Aboriginal and Torres Strait Islander Education Officers'.⁷⁸⁹
- Education-specific protocols were being drafted to 'guide policy development' and ensure that Aboriginal and Torres Strait Islander perspectives are considered in policy development.⁷⁹⁰
- It works closely with school principals to ensure that effective policy and processes are in place in their schools which meet the expectations of the Reconciliation Action Plan and the ACT Aboriginal and Torres Strait Islander Agreement'.⁷⁹¹

784 ED response to ATSIEB generic questions, March 2018, p.6.

785 ED response to ATSIEB generic questions, March 2018, p.6.

786 ED response to ATSIEB generic questions, March 2018, p.6.

787 ED response to ATSIEB generic questions, March 2018, p.6.

788 ED response to ATSIEB generic questions, March 2018, p.6.

789 ED response to ATSIEB generic questions, March 2018, p.7.

790 ED response to ATSIEB generic questions, March 2018, p.7.

791 ED response to ATSIEB generic questions, March 2018, p.7.



- Various activities within schools, networks and local clusters indicate that the focus is effective.⁷⁹²
- An evaluation of the ACT's Early Childhood Schools (ECS) and the Koori Preschool program in 2015–16 identified eight future focus areas to improve their effectiveness. The results of the evaluation were being used to inform 'school improvement strategies which support quality pedagogy and practice' and 'consultation with families and communities for the development of the Early Childhood Strategy in 2018'.⁷⁹³ The strategy is 'one of five priority projects' for the Human Services Cluster over the next three years.⁷⁹⁴

10 Budget allocations to programs, services and clients

7.17 In its written response to the Elected Body's tenth generic question the directorate indicated that:

- The 'Student Resource Allocation Aboriginal and Torres Strait Islander student needs based loading' was changed for the 2017 school year so it would be fairer and more transparent and better empowered schools to make decisions about the use of resources. It involves all schools receiving 'a flat-rate base level of funding' and 'funding based on the number of Aboriginal and Torres Strait Islander students enrolled at each school'.⁷⁹⁵
- About 'four per cent of Canberra public school enrolments identify as Aboriginal and Torres Strait Islander' and these students are provided resourcing in line with all students who attend Canberra public schools with additional support for students with identified needs such as a disability; have English as an additional language or dialect support; or access specialised programs — e.g. gifted and talented, Connect10.
- In 2016–17, more than \$4.7 million was provided for targeted programs to support Aboriginal and Torres Strait Islander students, including Aboriginal and Torres Strait Islander Literacy and Numeracy Support (\$0.9m); the Koori Preschool Program (\$0.7m); and for the Aboriginal and Torres Strait Islander Education section, scholarship programs and other programs (\$3.1m).⁷⁹⁶
- It measures the effectiveness of its allocation of resources for Aboriginal and Torres Strait Islander students through strategic, key performance and accountability indicators.⁷⁹⁷

11 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff

7.18 In its written response to the Elected Body's eleventh generic question the directorate indicated that:

- the Aboriginal and Torres Strait Islander Staff Mentoring Program has been accessed by three staff⁷⁹⁸
- the *Our Mob Our Voices* Staff Survey is conducted annually 'to gauge engagement, levels of professional support and connection for the directorate's Aboriginal and Torres Strait Islander staff'.⁷⁹⁹
- membership of the Aboriginal and Torres Strait Islander Staff Network is open to all Aboriginal and Torres Strait Islander staff and Associate Membership is open to all Aboriginal and Torres Strait Islander pre-service teachers. The network supports retention and career pathways, provides peer and professional support, and is represented on the directorate's RAP Working Group, the Aboriginal and Torres Strait Islander Employment Working Group, the Murranga Murranga Employee Network, and on the Executive Committee.⁸⁰⁰

792 ED response to ATSIEB generic questions, March 2018, p.7.

793 ED response to ATSIEB generic questions, March 2018, pp.7–8.

794 ED response to ATSIEB generic questions, March 2018, p.8.

795 ED response to ATSIEB generic questions, March 2018, p.8.

796 ED response to ATSIEB generic questions, March 2018, p.8.

797 ED response to ATSIEB generic questions, March 2018, p.8.

798 ED response to ATSIEB generic questions, March 2018, p.9.

799 ED response to ATSIEB generic questions, March 2018, p.9.

800 ED response to ATSIEB generic questions, March 2018, p.9.



12 Aboriginal and Torres Strait Islander cultural awareness training

7.19 In its written response to the Elected Body's twelfth generic question the directorate indicated that:

- In total, 43 teachers from 12 schools participated in the Cultural Competency program in semester 1, 2017 through ten online modules and three workshops. One hundred and twenty-two (122) employees participated in the program in 2016–17 and 'all executive staff' had undertaken three days of 'cultural integrity training'.
- It had 'initiated a project to develop guidelines for employees to include a cultural integrity goal in their professional development plan or professional pathways plan (teachers and principals)'.⁸⁰¹
- In relation to training in Ngunnawal history and culture in public schools:
 - fifteen schools had 'participated in a pilot program to increase Ngunnawal culture and history'
 - six schools had 'developed student lessons or staff presentations using the DVD 'Aunty Agnes: Footprints on our Land' while nine had used the 'Ngunnawal Plant Use Guide' to develop lessons and units of work
 - teachers used diverse approaches 'to embed the resources in their programs and align them to the Australian Curriculum'⁸⁰²
 - three primary schools 'participated in a workshop to introduce them to Mununja the Butterfly, a story told by Ngunnawal Elder Don Bell' and had 'developed cross curriculum lessons integrating the book as a stimulus'
 - it is currently planning future Professional Learning on Country for Canberra public schools.⁸⁰³

13 Building the knowledge obtained through cultural awareness training

7.20 In its written response to the Elected Body's thirteenth generic question the directorate indicated that:

*The sessions in 2017 for the directorate's executive and Canberra public school principals allowed for reflection and absorption of the learning's [stet], leading to the creation of robust cultural action plans for schools and the Education Support Office. The development of these action plans will allow staff to build upon the knowledge they have gained and will be revisited in 2018.*⁸⁰⁴

Hearings

7.21 Representatives of the Education Directorate appeared before the ATSIEB in hearings on 15 March 2018.

Matters considered

7.22 Matters considered in the course of the hearings included:

- Aboriginal and Torres Strait Islander events attended by the Minister⁸⁰⁵
- cultural awareness training⁸⁰⁶
- employment of Aboriginal and Torres Strait Islander people⁸⁰⁷

801 ED response to ATSIEB generic questions, March 2018, p.10.

802 ED response to ATSIEB generic questions, March 2018, p.10.

803 ED response to ATSIEB generic questions, March 2018, p.10.

804 ED response to ATSIEB generic questions, March 2018, p.10.

805 *Transcript of evidence*, 15 March 2018, p.120.

806 *Transcript of evidence*, 15 March 2018, pp.120–21.

807 *Transcript of evidence*, 15 March 2018, pp.137–40.



- how the directorate meets the needs and aspirations of Aboriginal and Torres Strait Islander students⁸⁰⁸
- support provided to schools with low numbers of Aboriginal and Torres Strait Islander students⁸⁰⁹
- addressing disparity between NAPLAN results of Aboriginal and Torres Strait Islander students and other students⁸¹⁰
- perspectives incorporated in the Australian curriculum⁸¹¹
- impact of the Student Resource Allocation (SRA)⁸¹²
- groups or forums for the community and organisations to contribute their ideas on schooling⁸¹³
- why the directorate isn't making better progress given the amount of funds that is allocated per student⁸¹⁴
- data on the perceived gap in the numeracy, literacy, and attainment of Aboriginal and Torres Strait Islander school leavers and other school leavers⁸¹⁵
- relationships between the directorate and the Ngunnawal Centre, Tjabal Centre, universities and CIT.⁸¹⁶

Key issues

Aboriginal and Torres Strait Islander events attended by the Minister

- 7.23 In the hearings of 15 March 2018 the Elected Body was interested to know what Aboriginal and Torres Strait Islander events had been attended by the Minister in the previous three years.
- 7.24 The Director-General told the Elected Body that she and the Minister had attended a number of events together and referred specifically to 'the future of education consultation', the Minister's interest in 'the voice of Aboriginal and Torres Strait Islander children and young people', time spent 'at the Indigenous Culture Club at Forrest Primary School' and at Namadgi School. This question was then taken on notice.⁸¹⁷
- 7.25 The response to this Question Taken on Notice advised that Minister Berry attended both annual and standalone Aboriginal and Torres Strait Islander events while she was Minister. The response included a list of 19 events that the Minister attended from 27 March 2015 to 10 November 2017.⁸¹⁸

Cultural awareness training

- 7.26 The Elected Body asked directorate representatives whether the cultural awareness training that was delivered included Ngunnawal and Traditional Custodian content, and whether the training was delivered by a local provider.⁸¹⁹
- 7.27 In responding, the Director-General told the Elected Body:

... we are really focusing on building cultural integrity. We are taking it beyond awareness training. For example, last year all of the executive in the Education Directorate participated in three days of immersion in cultural integrity training...

808 *Transcript of evidence*, 15 March 2018, p.119–25.

809 *Transcript of evidence*, 15 March 2018, pp.125–26.

810 *Transcript of evidence*, 15 March 2018, pp.127–28.

811 *Transcript of evidence*, 15 March 2018, pp.128–29.

812 *Transcript of evidence*, 15 March 2018, p.130.

813 *Transcript of evidence*, 15 March 2018, p.131.

814 *Transcript of evidence*, 15 March 2018, pp.131–32.

815 *Transcript of evidence*, 15 March 2018, pp.133–36.

816 *Transcript of evidence*, 15 March 2018, pp.136–37.

817 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.120.

818 Ms Yvette Berry MLA, Response to Question Taken on Notice at hearings of 15 March 2018, signed 29 May 2018.

819 ATSIEB, *Transcript of evidence*, 15 March 2018, p.120.



That is leading into a comprehensive focus on what we are describing as our cultural integrity continuum. Schools are in the process now of self-assessing their competence, if you like, on that continuum and then working through an action plan to move themselves along that continuum to a more superior level of cultural integrity.⁸²⁰

- 7.28 The Manager, Aboriginal and Torres Strait Islander Education, then advised that:
- The online course was 'a fairly general course' which 'covers the country' and some Ngunnawal content is included in supplementary workshops. She said that much of it was 'around the Ngunnawal plant use books using the rangers and ... Greening Australia'.
 - The directorate was refreshing the 'Understanding the land through the eyes of the Ngunnawal people' document to align it with the Australian curriculum.
 - The United Ngunnawal Elders Council co-chairs had been contacted about developing new resources.
 - Cultural awareness is also covered in curriculum and professional learning projects which make connections for teachers in the classroom.⁸²¹

Employment of Aboriginal and Torres Strait Islander people

- 7.29 In the hearings the Elected Body asked officials about the directorate's employment of Aboriginal and Torres Strait Islander people, and in particular about efforts to attract and retain these staff and provide them leadership opportunities.⁸²²
- 7.30 The Director, Strategic Policy, told the Elected Body that the directorate had 'an employment action plan' that includes providing leadership opportunities. She also spoke about the:
- relationship between the Senior Executive Team (SET) and the staff network
 - the directorate's 'annual survey' of Aboriginal and Torres Strait Islander employees called *Our Mob Our Stories*
 - the trial of a mentoring program for Aboriginal and Torres Strait Islander staff in 2017.⁸²³
- 7.31 The Director, People and Performance, said that the directorate was 'tackling the culture of the organisation' and that making the 'organisation a culturally-safe and inclusive workplace ... is the most significant thing that we are doing.' He said that 'selling ourselves as an employer of choice to a range of cultural backgrounds is really important'.⁸²⁴
- 7.32 The Director also told the Elected Body that the directorate currently had 'six ASBA students, high school based apprenticeships, and four more on the way' who were 'students, but they are all ... also doing their apprenticeships' with the directorate 'as the employer.' He said that the directorate was 'looking at upskilling, in particular with our school-based staff' and that there was 'a real opportunity ... to grow those career paths' in the organisation, such as 'a transition straight from a successful apprenticeship into ongoing employment'.⁸²⁵
- 7.33 The Director said that an issue for the directorate was its 'higher rate of casual and temporary staff'. He said that the directorate will consider whether it could increase its 'ongoing establishment', though 'some flexibility' was required 'in terms of subject matter backfill and all of those sorts of things'.⁸²⁶

820 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, pp.120–21.

821 Ms Beth Craddy, *Transcript of evidence*, 15 March 2018, p.121.

822 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.137.

823 Ms Coralie McAlister, *Transcript of evidence*, 15 March 2018, p.137.

824 Mr Chris Hodgson, *Transcript of evidence*, 15 March 2018, p.137.

825 Mr Chris Hodgson, *Transcript of evidence*, 15 March 2018, pp.137–38.

826 Mr Chris Hodgson, *Transcript of evidence*, 15 March 2018, p.138.



- 7.34 The Elected Body was also interested to know how school teachers, in addition to being 'trained in cultural competency' by visiting Tidbinbilla, were assisted 'to deliver [a] more comprehensive culturally-competent curriculum' and how the directorate would 'embed and grow cultural integrity for teaching and office-based staff'.⁸²⁷
- 7.35 In her response, the Director, Strategic Policy, emphasised that 'it starts from the top.' She said that the 'leadership and the three-day cultural integrity training that our principals and our corporate executive did ... was really critical for our teachers to then actually build their own competence.' She also said that this impacted on how the executive was 'doing business differently'.⁸²⁸
- 7.36 The Director-General added that the directorate's Reconciliation Action Plan 'focuses on your next most powerful step' and she spoke about what that means for different staff and areas within the directorate.⁸²⁹
- 7.37 The Elected Body asked whether the directorate was 'on track' for achieving its Aboriginal and Torres Strait Islander employment targets.⁸³⁰ In her response the Director, Strategic Policy, explained that it was 'slightly under the whole-of-government targets', but that 'over time' the directorate would be 'on track' and that with the plan in place and the strong cultural integrity focus the numbers had increased to about 96, or about 12 under the target.⁸³¹
- 7.38 The Director-General stated:
- We are not giving up. The challenge for us is that the majority of our workforce is a teaching workforce, and that requires a university four-year qualification. The truth is that we have to actually have these pathways through to tertiary education. At the moment, the students who are translating from secondary into tertiary have many options available to them.*⁸³²
- 7.39 She went on to refer to approaches to broaden the base including 'attracting students to choose education as a vocation early', having 'entry ways into the education directorate', and that people may enter as 'learning support assistants but then get support to build their qualifications over time'. She said that the directorate's employment plan 'focused on those things' and is reviewed annually.⁸³³

How the directorate meets the needs and aspirations of Aboriginal and Torres Strait Islander students

- 7.40 In her opening statement, the Director-General said that the directorate aimed 'to meet the needs and aspirations of all Aboriginal and Torres Strait Islander people, and particularly ... children and young people and their families'.⁸³⁴ She then outlined relevant work being undertaken in the directorate including:
- the 'focus on building cultural integrity' and the aim of improving teaching practice in schools 'to meet the needs of each child in our system, forging stronger relationships with community and prioritising that partnership with parents and families in order to create environments where their children can learn'⁸³⁵
 - the directorate was focusing more on early intervention and investing in the early years⁸³⁶

827 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.138.

828 Ms Coralie McAlister, *Transcript of evidence*, 15 March 2018, p.138.

829 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, pp.138–39.

830 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.139.

831 Ms Coralie McAlister, *Transcript of evidence*, 15 March 2018, p.139.

832 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.140.

833 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.140.

834 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.119.

835 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.119.

836 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.120.



- the shift 'towards a strength-based approach'⁸³⁷
 - wanting 'to celebrate the achievements of Aboriginal and Torres Strait Islander children in our system and identify the things that they love to do, the things that they are good at, and make sure that they have the opportunity to learn through exploring their passion, whatever that might be'
 - 'Aboriginal children and young people are not achieving as well as all children in our education system' but the directorate was 'working on those issues'.⁸³⁸
- 7.41 The Elected Body asked officials for examples of the practical ways in which the directorate had 'strengthened engagement with Aboriginal and Torres Strait Islander students'.⁸³⁹
- 7.42 In his response, the Director, Learning and Teaching, referred to both school-based and system-wide initiatives.⁸⁴⁰
- 7.43 In relation to system-wide initiatives, the Director spoke about four initiatives including:
- the Student Aspirations Program—'which is really promoting leadership for Aboriginal and Torres Strait Islander students, focusing on their pathways and transitions'⁸⁴¹
 - Mura Awards—which provide 'recognition for student achievement and schools to acknowledge consistent effort, not just the academic achievements' and 'encourage students to engage in their schooling in a positive way'⁸⁴²
 - the employment of ten Aboriginal and Torres Strait Islander Indigenous education officers—working across 11 schools—to 'support cultural integrity development and ... the engagement of our students and young people in their academic and their school studies'⁸⁴³
 - the Aboriginal and Torres Strait Islander Secondary Scholarship Program—the program 'is for senior secondary students pursuing careers in teaching or the health field and students wanting to pursue a vocational pathway'. Since 2009, 57 senior secondary students' had been awarded these scholarships.⁸⁴⁴
- 7.44 In relation to school-based initiatives, the Director Learning and Teaching, referred to three examples:
- the Warrumbul Aboriginal and Torres Strait Islander Centre for Excellence at Campbell High School which he said was 'an excellent example of student engagement'⁸⁴⁵
 - Melba Copland Secondary School's 'excellent program ... a great example of a school-based initiative which is really working...'⁸⁴⁶
 - the Indigenous Study Centre—'the big picture academy, of Melrose high, a program for Years 9 and 10' which 'allows them to study areas that they are passionate about.' He said this 'had some excellent outcomes for kids in regard to their engagement' and connected 'Aboriginal and Torres Strait Islander mentors already working in the local community with the schools'.⁸⁴⁷

837 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.120.

838 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.120.

839 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.121.

840 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.121.

841 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.121.

842 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.122.

843 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.122.

844 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.122.

845 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.122.

846 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.122.

847 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.122.



7.45 The Director-General also referred to the three-day cultural integrity immersion that all members of the executive and school principals attended in 2017.⁸⁴⁸

7.46 At this stage in the hearings, the Principal of Melba Copland Secondary School spoke about what was happening in that school and its impact on students. The Principal stated:

Each of my 40 students has professional learning plans. Those professional learning plans are readily accessible to the teachers, and they are part of a suite of getting to know students within our school, which is an attitude and expectation.

*Around cultural integrity, and about understanding the country we live in, live on and respect, I lead that as a principal... I think all principals and leaders in our schools are now doing that in a more sophisticated way...*⁸⁴⁹

7.47 The Elected Body asked the Principal how 'the voice of young people' was being heard in schools.⁸⁵⁰

7.48 In his response, the Principal referred particularly to leadership and to engagement with family. He also told the Elected Body that a recent scholarship student had been a member of the board and 'he was a good example of listening to the kids about what is important and what matters to them.' He also said that now 'if you have a sibling or a family member coming through, it is matching that up'.⁸⁵¹

7.49 The Elected Body was interested to hear about other programs that had been implemented 'to engender pride amongst Aboriginal and Torres Strait Islander students' and in particular how that was being done systemically.⁸⁵²

7.50 The Director-General told the Elected Body that it was 'multi-tiered'. In her response she referred to 'the interaction that happens in the classroom between the teacher and the student, and... good pedagogical practice' and to 'creating environments where kids are able to pursue passions'.⁸⁵³ She also referred to the use of 'individual learning plans.... It is very specific, targeted and individualised approaches' as well 'school-based recognition'.⁸⁵⁴

7.51 The Deputy Director-General then referred to the work that had been undertaken regarding cultural integrity. She explained that 'cultural integrity' was the 'universal foundation layer that we are trying to build upon across the entire system' and that there was a 'body of work strengthening the capabilities of our staff in teaching and learning' and also 'creating environments where students love to learn' and individual approaches. She stated:

*We are on a journey... Those three tiers combined are the systemic approach we are trying to take to make sure that every child and young person in our system meets their needs and aspirations.*⁸⁵⁵

848 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.122.

849 Mr Michael Battenally, *Transcript of evidence*, 15 March 2018, pp.122–23.

850 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.123.

851 Mr Michael Battenally, *Transcript of evidence*, 15 March 2018, p.123.

852 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.124.

853 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.124.

854 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.124.

855 Ms Meg Brighton, *Transcript of evidence*, 15 March 2018, pp.124–25.



7.52 The Director-General told the Elected Body that more needed to be done 'to have Aboriginal and Torres Strait Islander young people see themselves in the environments in schools'. She said that it 'is a focus on the way in which we value and privilege aspects of Aboriginal and Torres Strait Islander culture; it is incorporating language into the way in which we are conducting curriculum'. She told the Elected Body that Belconnen High School, as well as other schools, were 'focusing on introducing local Indigenous language' in their language stream and had introduced a 'cultures and languages course for Years 7 and 8'. The Director-General said that the directorate was 'working with elders in the community to . . . introduce not only Ngunnawal language but other local languages, words and stories'. In terms of recognising achievement, she said 'it is also about making sure that all our children feel valued from the perspective that they come from'.⁸⁵⁶

Support provided to schools with low numbers of Aboriginal and Torres Strait Islander students

7.53 The Elected Body asked how the directorate supported schools with low numbers of Aboriginal and Torres Strait Islander students which would not have a designated Aboriginal and Torres Strait Islander Education Officer.⁸⁵⁷

7.54 The Manager, Aboriginal and Torres Strait Islander Education, highlighted a number of matters in relation to these schools including that:

- 'we try to touch base with kids' in the aspirations program⁸⁵⁸
- . . . if there is an issue, a learning need, something to do with behaviour management or something where a kid is experiencing difficulties . . . those are student needs and those needs should be met as they would be met for any other student⁸⁵⁹
- . . . people can contact us in the educational support office. We can provide some referrals or at least advice on where people can get additional support if needed'.⁸⁶⁰

7.55 The Director-General added that:

*. . . Regardless of how many identified Aboriginal and Torres Strait Islander children are in their school, our expectation is that they will be working on this. At the very least, there is this shift in the environment around, again, valuing Indigenous perspectives in our schools. The message out to all of our schools is that . . . this is an important issue for you.*⁸⁶¹

7.56 The Elected Body said that a member of the community had raised the question and that because 'the education officer was not visible to her, she wondered if a child was being looked after in that respect'. The Elected Body highlighted that 'it is a matter of not only having people come to you but finding a way to get to those mums and dads so they know that the service is there for them and . . . it is about that inclusion where someone is already feeling excluded'.⁸⁶²

7.57 In her response on this matter, the Director-General stated:

*I think that is, again, part of our overall improving our approach. It is important around connecting with families. I think, again, that is something that not all schools are really comfortable with yet . . . That is perhaps something, with the Elected Body's support, that we could work on together.*⁸⁶³

856 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.125.

857 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.125.

858 Ms Beth Craddy, *Transcript of evidence*, 15 March 2018, p.126.

859 Ms Beth Craddy, *Transcript of evidence*, 15 March 2018, p.126.

860 Ms Beth Craddy, *Transcript of evidence*, 15 March 2018, p.126.

861 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.126.

862 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.126.

863 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.126.



7.58 The Manager, Aboriginal and Torres Strait Islander Education, added:

Part of the cultural integrity work is that we have been restructuring and looking again at the Indigenous education officer team. To make them more accessible... their role is being evolved so that they are touching base and being involved with their local clusters as well, which should create greater exposure.⁸⁶⁴

Addressing disparity between NAPLAN results of Aboriginal and Torres Strait Islander students and other students

7.59 The Elected Body noted the disparity between the NAPLAN results achieved by Aboriginal and Torres Strait Islander students and non-Aboriginal students and asked how the directorate was addressing this.⁸⁶⁵

7.60 The Director, Learning and Teaching, emphasised that this issue was being taken 'very seriously'. He said that the equity issue was recognised 'despite the fact that, when we look at the figures against the rest of the country, the proportion of our students meeting the national minimum standard is strong'.⁸⁶⁶

7.61 The Director identified two ways the directorate was addressing the issue. The first was the 'central support' being provided in relation to literacy and numeracy and he referred to 'an early years literacy approach which is really targeting those first few years of school' and a second project that looks 'at what is happening in high schools'. He also said that 'Our principals as numeracy leaders professional learning program... is building capacity across all of our primary schools, in particular around numeracy practices which are best-case scenario to improve results for all of our kids'.⁸⁶⁷

7.62 The Director then highlighted that at the school level principals ensured that 'specific actions and goals to address these particular issues' are included in their school plans and that they monitor 'the ongoing performance of all of their students'. He said that the directorate's role was to provide the support for principals 'to increase their understanding and knowledge of what works best'.⁸⁶⁸

7.63 The Principal of Melba Copland Secondary School told the Elected Body that at his school they did 'not wait for NAPLAN data to work out where a kid is at.' He stated:

... On entry to the school, the students have a suite of tests, assessments. It is called PAT testing. It is through the Australian Council for Educational Research. We use that data to identify where a student is at in their progress around their learning and where their strengths are; also, where their deficits might be. We set in place interventions around that, which could be in the class, in a small group or one-on-one.

... The family is engaged in that conversation around where your child is at and how we are going to help to develop them. This is a conversation, a relationship and an action that is consistent across all of our schools.⁸⁶⁹

7.64 The Principal explained that much had been learned 'about what works and how to get the impact with individual kids. It is not all about the average achievement; it is about every child in your school'.⁸⁷⁰

864 Ms Beth Craddy, *Transcript of evidence*, 15 March 2018, p.126.

865 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.127.

866 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.127.

867 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.127.

868 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.127.

869 Mr Michael Battenally, *Transcript of evidence*, 15 March 2018, pp.127–28.

870 Mr Michael Battenally, *Transcript of evidence*, 15 March 2018, p.128.



Perspectives incorporated in the Australian curriculum

- 7.65 The Elected Body asked in relation to quality learning and teaching, what specific Aboriginal and Torres Strait Islander perspectives were incorporated in the Australian curriculum.⁸⁷¹
- 7.66 The Director, Learning and Teaching, responded by telling the Elected Body that the Australian curriculum had three cross-curriculum priorities and that one of these was the 'Aboriginal and Torres Strait Islander histories and cultures priority'. He explained that this priority is 'a thread' which runs through the learning areas of maths, English and science and was being focused on through the directorate's curriculum projects within schools.⁸⁷²
- 7.67 The Director also told the Elected Body that ACARA, 'the national body that develops the Australian curriculum' are working on what this looks like in local communities across 'to embed the local history and culture within our curriculum'. He said that the directorate's aim was 'to work towards that' as part of its cultural integrity work as 'that can also help to build pride for our local kids'.⁸⁷³
- 7.68 At this stage of the hearings, the Principal of Narrabundah Early Childhood School told the Elected Body about what was happening at her school. She did so in the context of both the Australian curriculum and the early years learning framework.⁸⁷⁴
- 7.69 The Principal told the Elected Body that Narrabundah Early Childhood School provided 'an integrated service model from birth to Year 2' and part of that was 'ensuring that we understand the stories' of each child who is enrolled there because 'if we do not understand their stories, it means we do not understand who they are and how we can best work with ... families'.⁸⁷⁵
- 7.70 She also told the Elected Body that 'bush school' was introduced as part of the school's curriculum six years ago. She said that the children 'spend one day out in the local bush somewhere' and that for pre-schoolers this was at the Arboretum. The purpose is 'connecting with country and with nature'. She explained that an Aboriginal Learning Support Assistant is involved.⁸⁷⁶
- 7.71 In addition, the Principal explained that there was a Koori preschool at the school and that about '40 per cent ... enrolments are Aboriginal children.' She said that it was recognised six years previously 'that for some of our children, engaging in the classroom with desks, chairs and a board out the front was not a particularly engaging experience, and that we needed to provide an alternative for them that enabled them to engage meaningfully and authentically in the curriculum'. She said that they started to go 'up to Red Hill' which is nearby to spend the day and give children 'the skills to understand how to navigate that environment' and 'the children facilitated a lot of their learning themselves'. She said that in this way learning 'became very meaningful' and that they 'had shared understandings and shared stories that we were able to bring back to the classroom'. She also said that it impacted on their oral language, vocabulary, reading and writing 'because they were all able to reflect on an experience they had shared that was meaningful to them, and it built on their understanding and knowledge'.⁸⁷⁷

871 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.128.

872 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.128.

873 Mr Jason Borton, *Transcript of evidence*, 15 March 2018, p.128.

874 Ms Bernadette Hayes, *Transcript of evidence*, 15 March 2018, p.128.

875 Ms Bernadette Hayes, *Transcript of evidence*, 15 March 2018, p.128.

876 Ms Bernadette Hayes, *Transcript of evidence*, 15 March 2018, p.129.

877 Ms Bernadette Hayes, *Transcript of evidence*, 15 March 2018, p.129.



7.72 The Principal told the Elected Body:

Many of our children had a lot to share. It is also an amazing experience for parents to come along and be an active part of that. A number of our families come and join us when we are in those different places. We try to make sure that we have areas of significance for our community as well. We often incorporate some of our Aboriginal parks and wildlife rangers.⁸⁷⁸

Impact of the Student Resource Allocation (SRA)

7.73 During the hearings of 15 March 2018 the Elected Body asked Education Directorate representatives about the impact of the Student Resource Allocation (SRA) on schools.⁸⁷⁹

7.74 In her response the Director, Strategic Policy, told the Elected Body 'SRA is the local implementation of Gonski' and the directorate was looking at how it supports Aboriginal and Torres Strait Islander students in the ACT under the SRA model. She explained that a review found that where 'factors such as attendance, socio-economic status and prior ability' are equal, 'there is no difference in student outcomes between Aboriginal and Torres Strait Islander students and their non-Indigenous counterparts'. She said that they knew that there was 'still a persistent difference in those outcomes'. She explained that they were strongly advised during consultation for the SRA 'that the difference is the school environment; that is, . . . the degree to which Aboriginal and Torres Strait Islander students and families see themselves in the interactions, in the curriculum and in the environment. That is the piece that we are calling cultural integrity under the SRA'.⁸⁸⁰

7.75 The Director advised the Elected Body that cultural integrity was being embedded in the SRA. She stated:

. . . we have set the policy position . . . which is our schools meeting the needs and aspirations of all Aboriginal and Torres Strait Islander students . . . our high achieving students as well as those who might need some educational or pastoral support.⁸⁸¹

7.76 The Director also told the Elected Body that the 'emphasis is on . . . schools being inclusive, not on the individuals and the families fitting in'. She then provided an example where 'a principal . . . [put] some artefacts in the front office — something on display, and a piece of artwork — and immediately noticed the difference in engagement with a young student that she had not seen before. The engagement was positive, immediate and really productive. That is a very small example, but I think it is embedded in the broader systemic work that we are doing about helping engagement happen for all young people in our schools'.⁸⁸²

878 Ms Bernadette Hayes, *Transcript of evidence*, 15 March 2018, p.129.

879 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.130.

880 Ms Coralie McAlister, *Transcript of evidence*, 15 March 2018, p.130.

881 Ms Coralie McAlister, *Transcript of evidence*, 15 March 2018, p.130.

882 Ms Coralie McAlister, *Transcript of evidence*, 15 March 2018, p.130.



Groups or forums for the community and organisations to contribute their ideas on schooling

- 7.77 During the hearing the Director, Strategic Policy, told the Elected Body about three ways in which members of the Aboriginal and Torres Strait Islander community and organisations had input into the school environment.
- In relation to the SRA, she explained that there was 'a very strong governance structure' including 'a reference board of senior Indigenous community members with a background in higher education, community and consultancy' and 'a policy group ... made up of our Aboriginal and Torres Strait Islander employees and our non-Indigenous employees, too, telling us whether the policy ideas were actually applicable on the ground'.⁸⁸³
 - For the work on the future of education, different consultative arrangements included using 'video booths to engage the voices of young people' in locations to 'get the voices of our Aboriginal and Torres Strait Islander students and community'.⁸⁸⁴
 - The 'enduring consultation opportunities through your local school' and 'the importance ... of systemically helping schools to become more and more inclusive and welcoming over time in partnership with their school communities'.⁸⁸⁵
- 7.78 The Director-General added that the directorate has 'a very strong Aboriginal and Torres Strait Islander staff network'. She said that those members of staff:

*... add an extra dimension, which I am sure each of you appreciates, by providing advice and stewardship on the issues that relate to the communities that each of them is a leader in. They are a very important forum for me as the Director-General to engage with. They also attend our senior executive meetings once a quarter to discuss issues that are coming up through the staff network.*⁸⁸⁶

Why the directorate hadn't made better progress given the amount of funds allocated per student

- 7.79 The Elected Body noted that the ACT allocated \$23,000 per student, which is \$4,000 more than the national standard that had been articulated by David Gonski as part of Federal Government reform. It asked why the directorate wasn't achieving better results.⁸⁸⁷
- 7.80 The Director-General replied that the ACT funds schools 'to a level that is higher than the standard expected across the country'. As for why better progress wasn't being made, she drew attention to various matters that had been discussed during the hearing including efforts to build capability over time, starting in the early years and continuing the effort throughout the 12 years of schooling and learning about how to make a difference such as through the advice that came through the 'focus on the allocation of funding on a needs basis'. The Director-General also referred to the directorate's recent shift 'to an orientation around a strengths-based approach in recognition of supporting all Aboriginal children: our high achieving children and the children who need additional supports, the children who come to school with a whole lot of things going on in their family life'. The Director-General then spoke again about ensuring that 'schools are genuinely places where each Aboriginal and Torres Strait Islander child actually loves to be and loves to learn. It is our focus on the environment that we are creating in schools that facilitates learning'. She expressed optimism that there would be 'a reduction in what we currently describe as this equity gap in our system'.⁸⁸⁸

883 Ms Coralie McAlister, *Transcript of evidence*, 15 March 2018, p.131.

884 Ms Coralie McAlister, *Transcript of evidence*, 15 March 2018, p.131.

885 Ms Coralie McAlister, *Transcript of evidence*, 15 March 2018, p.131.

886 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.131.

887 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.131.

888 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, pp.131–32.



7.81 In addition, the Director-General told the Elected Body that there were:

*...numerous examples of Aboriginal and Torres Strait Islander children who are exceeding their own expectations, who are high-performing young people. They are leaving our school system ready to take on the world, that new world in front of us. They are providing enormous leadership within their school community. But we know that there are also children who need extra support and increasingly we are gearing for that.*⁸⁸⁹

Data on the gap between the numeracy, literacy and attainment of Aboriginal and Torres Strait Islander school leavers and other school leavers

7.82 During the hearings the Director, Board of Senior Secondary Studies, told the Elected Body that no further numeracy and literacy testing of students occurred after Year 9 NAPLAN, though the board had expressed support in its strategic plan for it being introduced for all students in Year 10. He also said that while various statistics on Aboriginal and Torres Strait Islander students are included in annual reports these had not previously covered literacy and numeracy. As for the literacy and numeracy of Year 12 students, he said that data on performance in maths and English can be used as proxies. He also said that for the 2017 Year 12 graduating cohort there was a gap between the maths and English results of Aboriginal and Torres Strait Islander students and other students. In addition, he said that the gap was 'most evident in the number of students who get A grades and B grades' while the number who get C grades are similar.⁸⁹⁰

7.83 The Director-General pointed out that this was not 'a literacy or numeracy measure but ... a measure of attainment. That gives you some indication of the difference'.⁸⁹¹

7.84 In the hearings, the Elected Body and directorate representatives discussed data that were available for measuring the retention of Aboriginal and Torres Strait Islander students from Year 10 to Year 12. During the discussion the Elected Body was advised that the 'apparent retention rate' was determined by calculating the difference between the number of students in two years—say, Year 10 and Year 11. The Director, Planning and Analytics, pointed out however that there were 'students who leave the system altogether to go interstate or who leave school, or there are students who come in from other jurisdictions'. He explained that the 'real retention rate' is calculated 'by tracking the number of students who start each year and how many of those students are still retained in the next year'.⁸⁹² During the discussion the Elected Body was also told about the three ways of looking at the attainment of students in Year 12—the attainment of a Year 12 certificate, an ATAR score for those who enter the tertiary stream, and vocational education and training qualifications.⁸⁹³

7.85 The Elected Body expressed interest in getting a better understanding of how many young people were staying in the education system because of levers outside of the control of the Education Directorate—for example, changes to income support payments.⁸⁹⁴ During the discussion, the Elected Body heard that there were 'key transition points' for students and that the directorate had to work with families and the community 'to keep those young people connected with education'.⁸⁹⁵

7.86 It was agreed that the Education Directorate would provide the Elected Body data on the number of Aboriginal and Torres Strait Islander students in Year 10 including the number who continue to the end of Year 12. With regard to the measurement of the real retention rate, the Director, Planning and Analytics, advised that the

889 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.132.

890 Mr John Stenhouse, *Transcript of evidence*, 15 March 2018, p.133.

891 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.133.

892 Mr Robert Gotts, *Transcript of evidence*, 15 March 2018, p.134.

893 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.135.

894 ATSIEB, *Transcript of evidence*, 15 March 2018, p.135.

895 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, p.135.



directorate was working with the New South Wales Government about the extent of information available and stated:

While we try to keep track of students who leave, it is not always possible. We do not necessarily know if they are now attending a school in New South Wales. So we have a longer term project to work out how to resolve those issues.⁸⁹⁶

Relationships between the Education Directorate and the Ngunnawal Centre, Tjabal Centre, universities and CIT

7.87 In response to a question asked by the Elected Body, the Manager, Aboriginal and Torres Strait Islander Education, said that the directorate had 'longstanding relationships with each of the centres and the universities, and with CIT'.⁸⁹⁷ In discussing these relationships, the Manager advised, among other things, that:

- There was 'a strong relationship with the widening participation mob out at the University of Canberra, which we collaborate with to do transitions and pathways programs, the early access things'.⁸⁹⁸
- The directorate has 'a relationship ... that involves the University of Canberra and the ACT Supreme Court' and an excursion would be held in a month or so for Year 9 to Year 12 students.⁸⁹⁹
- Since the ATAR scores of ANU are high compared to the other universities, 'getting access to a lot of the courses there' is a work in progress, but students 'are involved in the open days and things'.⁹⁰⁰
- The Australian Catholic University is 'organising aspirations activities' in collaboration with the directorate 'starting with the Year 8 kids and some of the primary school kids, to at least get them to understand that universities exist across the board'.⁹⁰¹
- Representatives from the various organisations are invited to 'participate in our scholarship selection processes, attend the award ceremonies and things like that'.⁹⁰²

7.88 The Director-General added that she had met with:

- The vice-chancellor, deputy vice chancellor and dean of education at CIT and had spoken with them about the directorate's work on improving cultural integrity and 'the expectation that we mirror each other in our respective institutions'. She said that the directorate was 'forming a partnership with our schools and the CIT, and we will emphasise that in that partnership'.
- The vice chancellor of the ANU who outlined some changes being made 'to improve equity of access to the ANU'. She advised that ANU 'will be taking into account things like whether or not a young person has had a leadership role in their school, whether they have been a carer in their school, whether they have made some other contribution by working part time. Those things will be taken into account, along with their academic record, to give them access to programs, then courses, at the ANU'.⁹⁰³

896 Mr Robert Gotts, *Transcript of evidence*, 15 March 2018, p.136.

897 Ms Beth Craddy, *Transcript of evidence*, 15 March 2018, p.136.

898 Ms Beth Craddy, *Transcript of evidence*, 15 March 2018, p.136.

899 Ms Beth Craddy, *Transcript of evidence*, 15 March 2018, p.136.

900 Ms Beth Craddy, *Transcript of evidence*, 15 March 2018, p.136.

901 Ms Beth Craddy, *Transcript of evidence*, 15 March 2018, p.136.

902 Ms Beth Craddy, *Transcript of evidence*, 15 March 2018, p.136.

903 Ms Natalie Howson, *Transcript of evidence*, 15 March 2018, pp.136–37.



Elected Body comment

Summary

Written responses

- 7.89 Written responses by the Education Directorate to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.
- 7.90 These included:
- improvements in school attendance by Aboriginal and Torres Strait Islander students so that the ACT was only one of three jurisdictions on track to meet the COAG target for this by 2018⁹⁰⁴
 - provision of access for Aboriginal and Torres Strait Islander families to the Koori Preschool program⁹⁰⁵
 - a new approach to school funding with the introduction of Student Resource Allocation (SRA)⁹⁰⁶
 - provision of secondary and tertiary scholarships to Aboriginal and Torres Strait Islander students⁹⁰⁷
 - the directorate's focus on cultural integrity and embedding the concept into strategic policy, teaching, and the physical school environment⁹⁰⁸
 - participation in community events which celebrate Aboriginal and Torres Strait Islander cultures⁹⁰⁹
 - the role of the directorate's Aboriginal and Torres Strait Islander Staff Network⁹¹⁰
 - the presence of 27 identified positions across the directorate and of 87 employees who identified as Aboriginal and Torres Strait Islanders⁹¹¹
 - provision of various professional development opportunities for staff including the Aspiring Leaders Program in conjunction with Melbourne Graduate School of Education⁹¹²
 - continued delivery of targeted support programs including Aboriginal and Torres Strait Islander Education Officers⁹¹³
 - development of an Early Childhood Strategy which is a priority project for the ACT Government's Human Services Cluster over the next three years⁹¹⁴
 - provision in 2016–17 of more than \$4.7 million for targeted programs to support Aboriginal and Torres Strait Islander students⁹¹⁵
 - access to the Aboriginal and Torres Strait Islander Staff Mentoring Program⁹¹⁶
 - participation of 43 teachers from 12 schools in the Semester 1 Cultural Competency program in 2017⁹¹⁷
 - participation of schools in a pilot program to increase Ngunnawal culture and history.⁹¹⁸

904 ED response to ATSIIEB generic questions, March 2018, p.1.

905 ED response to ATSIIEB generic questions, March 2018, p.2.

906 ED response to ATSIIEB generic questions, March 2018, p.2.

907 ED response to ATSIIEB generic questions, March 2018, p.2.

908 ED response to ATSIIEB generic questions, March 2018, p.3.

909 ED response to ATSIIEB generic questions, March 2018, pp.3–4.

910 ED response to ATSIIEB generic questions, March 2018, p.4.

911 ED response to ATSIIEB generic questions, March 2018, p.5.

912 ED response to ATSIIEB generic questions, March 2018, p.5.

913 ED response to ATSIIEB generic questions, March 2018, p.7.

914 ED response to ATSIIEB generic questions, March 2018, p.8.

915 ED response to ATSIIEB generic questions, March 2018, p.8.

916 ED response to ATSIIEB generic questions, March 2018, p.9.

917 ED response to ATSIIEB generic questions, March 2018, p.10.

918 ED response to ATSIIEB generic questions, March 2018, p.10.



Responses in hearings

- 7.91 Matters which were considered in some detail in hearings included the following.
- 7.92 In relation to cultural awareness training, the Elected Body and representatives of the directorate discussed among other things the focus on building cultural integrity and the development of action plans by schools to move to a higher level of cultural integrity.⁹¹⁹
- 7.93 In relation to the employment of Aboriginal and Torres Strait Islander people, the Elected Body and representatives of the directorate discussed among other things efforts to attract and retain Aboriginal and Torres Strait Islander staff and the significance of making the organisation a culturally-safe and inclusive workplace and efforts made to embed cultural integrity for teaching and office-based staff.⁹²⁰
- 7.94 In relation to meeting the needs and aspirations of Aboriginal and Torres Strait Islander students, the Elected Body and representatives of the directorate discussed among other things the focus on early intervention and investing in the early years, the shift towards a 'strengths based approach', various school-based and system-wide initiatives to engage with Aboriginal and Torres Strait Islander students, the development of individual learning plans for Aboriginal and Torres Strait Islander students, strategies to give Aboriginal and Torres Strait Islander students a 'voice' in schools and to engender pride, and the inclusion of the Ngunnawal language by schools within the language stream.⁹²¹
- 7.95 In relation to the support provided to schools with low numbers of Aboriginal and Torres Strait Islander students the Elected Body and representatives of the directorate discussed among other things responses by schools to the needs of all students, the importance of valuing Indigenous perspectives in all schools, and of the importance of connecting with families and inclusion.⁹²²
- 7.96 In relation to addressing the disparity between the NAPLAN results of Aboriginal and Torres Strait Islander students and non-Indigenous students, the Elected Body and representatives of the directorate discussed among other things the central support provided for a focus on literacy and numeracy, the specific actions and goals that are identified in school plans, the focus given to the needs of each student, and engaging with families.⁹²³
- 7.97 In relation to the inclusion of Aboriginal and Torres Strait Islander perspectives in the Australian curriculum, the Elected Body and representatives of the directorate discussed among other things the 'thread' that runs through the learning areas of maths, English and science, the emphasis given to understanding 'the stories' of each child at the Narrabundah Early Childhood School, and of the importance of connecting with country and with nature to learn outside of the classroom, sometimes with the involvement of parents and of Aboriginal parks and wildlife rangers.⁹²⁴
- 7.98 In relation to the impact of Student Resource Allocation, the Elected Body and representatives of the directorate discussed among other things the degree to which Aboriginal and Torres Strait Islander students and families see themselves in the interactions, curriculum and environment of schools and the embedding of cultural integrity in SRA.⁹²⁵

919 *Transcript of evidence*, 15 March 2018, pp.120–21.

920 *Transcript of evidence*, 15 March 2018, pp.137–40.

921 *Transcript of evidence*, 15 March 2018, pp.119–25.

922 *Transcript of evidence*, 15 March 2018, pp.125–26.

923 *Transcript of evidence*, 15 March 2018, pp.127–28.

924 *Transcript of evidence*, 15 March 2018, pp.128–29.

925 *Transcript of evidence*, 15 March 2018, p.130.



- 7.99 In relation to groups or forums for the community and organisations to contribute their ideas on schooling, the Elected Body and representatives of the directorate discussed among other things governance structures, consultative arrangements which are varied according to the work being undertaken, and of the importance of the inclusiveness of schools, and of the directorate's Aboriginal and Torres Strait Islander staff network.⁹²⁶
- 7.100 In relation to why the Education Directorate hadn't made more progress given the allocation of funds per student in the ACT which is above that articulated by David Gonski for the national curriculum, the Elected Body and representatives of the directorate discussed among other things various matters that had been discussed during the hearing including efforts to build capability, the shift towards a more 'strengths-based' approach, and the focus of the directorate on creating school environments where students love to learn.⁹²⁷
- 7.101 In relation to data on the gap between the numeracy, literacy and attainment of Aboriginal and Torres Strait Islander school leavers compared to other school leavers, the Elected Body and representatives of the directorate discussed among other things the lack of numeracy and literacy testing after Year 9 NAPLAN, the use of maths and English results as proxy measures, the measurement of 'apparent' and 'real' school retention rates, and work underway in consultation with the New South Wales Government about accessing data that may be available about the school retention of ACT school leavers in that jurisdiction.⁹²⁸
- 7.102 In relation to the relationships between the Education Directorate and various learning centres, universities and with CIT, the Elected Body and representatives of the directorate discussed among other things connections with Canberra University, the Australian National University, the Australian Catholic University, and changes being proposed by the ANU to improve equity of access to its programs.⁹²⁹

Elected Body views and recommendations

- 7.103 The Elected Body notes the many positive developments that are being led by the Education Directorate which have the potential to impact not only on its many staff and the academic attainment of school students but on pejorative attitudes to race and culture.
- 7.104 In particular, the Elected Body notes the significant potential that embedding the concept of cultural integrity—within the directorate's structure, strategic policy, and programs as well as in school design, curriculum and teaching—has now and in the future. As the Elected Body noted at the conclusion of the hearings with Education Directorate representatives on 15 March 2018, one of the things which stood out during the proceedings was:
- ... the opportunity that the cultural integrity work... in the curriculum is providing, the impact that it is having on a generation of non-Indigenous children going through your school who will take up all of those jobs and the legacy that will leave... Education, as you know, is a critical area for generational change... Thank you for what sounds like some great structural change that needs to happen. Without that, we are only tinkering at the end.*⁹³⁰
- 7.105 The Elected Body has the view that it is critical that the outcomes achieved by the introduction of the cultural integrity framework across ACT schools is assessed including the extent to which it contributes to the cultural safety of schools for students and to improved educational outcomes and attitudes.
- 7.106 In light of the above, the Elected Body makes the following recommendation.

926 *Transcript of evidence*, 15 March 2018, p.131.

927 *Transcript of evidence*, 15 March 2018, pp.131–32.

928 *Transcript of evidence*, 15 March 2018, pp.133–36.

929 *Transcript of evidence*, 15 March 2018, pp.136–37.

930 ATSIIEB, *Transcript of evidence*, 15 March 2018, pp.140–41.

RECOMMENDATION 16

- 7.107 **The Elected Body recommends that the Education Directorate put arrangements in place to evaluate the outcomes achieved from the implementation of the cultural integrity framework.**
- 7.108 The Elected Body notes the significant influence that a quality education can have for students and the outcomes they achieve after leaving secondary school by getting a job, establishing a career or pursuing further education and training.
- 7.109 The Elected Body notes however that many Aboriginal and Torres Strait Islander students require particular supports to maximise their full potential, such as strategies to encourage attendance and personalised approaches which are based upon the capability of individual students, their aspirations and their learning needs. The Elected Body supports all efforts that are made by the directorate which help Aboriginal and Torres Strait Islander realise their potential at school.
- 7.110 In light of the above, the Elected Body makes the following recommendation.

RECOMMENDATION 17

- 7.111 **The Elected Body recommends that the Education Directorate take all steps necessary to ensure that the ACT school system is responsive to the needs of individual Aboriginal and Torres Strait Islander students and supports each student to realise their full potential.**
- 7.112 The Elected Body notes that various members of the Aboriginal and Torres Strait Islander community have expressed an interest in being involved in consultation processes for initiatives related to the education of their children. The Elected Body notes that the Education Directorate has included representatives of Aboriginal and Torres Strait Islander families as members of committees and advisory boards from time to time and its view is that these arrangements should continue to ensure that the views of Aboriginal and Torres Strait Islander parents in the ACT are heard by government.
- 7.113 The Elected Body also notes that there are opportunities available for all directorates and agencies to include Aboriginal and Torres Strait Islander people on committees and boards in ways that are consistent with established protocols for working with Aboriginal and Torres Strait Islander Peoples.
- 7.114 In light of the above, the Elected Body makes the following recommendation.

RECOMMENDATION 18

- 7.115 **The Elected Body recommends that all ACT Government directorates and agencies identify and utilise all available opportunities to include Aboriginal and Torres Strait Islander people on committees and boards to ensure that the views of the Aboriginal and Torres Strait Islander community are represented.**

8 JUSTICE AND COMMUNITY SAFETY DIRECTORATE



Introduction

- 8.1 Representatives of the Justice and Community Safety Directorate appeared before the ATSIEB in hearings on 15 March 2018.
- 8.2 The directorate has diverse responsibilities and has a significant role in efforts to improve outcomes for Aboriginal and Torres Strait Islander people in the ACT.
- 8.3 The directorate's written responses to the Elected Body's generic questions and the testimony of witnesses at hearings are considered below.

Responses to generic questions

1 Equitable access and increased impact

- 8.4 In its written response to the Elected Body's first generic question the directorate indicated that:
 - The ACT Supreme Court had published its Strategic Plan to Facilitate Access to the court for Aboriginal and Torres Strait Islander People in the ACT.⁹³¹
 - The Emergency Services Agency (ESA) had 'established processes to undertake Aboriginal and Torres Strait Islander recruitment of firefighters through the Indigenous Fire and Rescue Employment Strategy (IFARES) Program'.⁹³²
 - Ongoing involvement with the *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*.⁹³³
 - Funding was provided for the access of Aboriginal and Torres Strait Islander people to justice through Canberra Community Law and the Women's Legal Centre. The funding to Canberra Community Law is 'to establish a new Aboriginal Human Rights Program'.⁹³⁴
 - Funding was provided for the Aboriginal Legal Service to operate a number of community justice programs.⁹³⁵
 - The Front Up Program supports Aboriginal and Torres Strait Islander people who have outstanding warrants or have breached bail in ACT Courts.⁹³⁶
 - The Interview Friends Program supports 'Aboriginal and Torres Strait Islander people who have been arrested, by having another Aboriginal and Torres Strait Islander person available to accompany them during a police interview'.⁹³⁷

931 JACS response to ATSIEB generic questions, December 2017, p.1.

932 JACS response to ATSIEB generic questions, December 2017, p.1.

933 JACS response to ATSIEB generic questions, December 2017, pp.1–2.

934 JACS response to ATSIEB generic questions, December 2017, pp.3–4.

935 JACS response to ATSIEB generic questions, December 2017, p.4.

936 JACS response to ATSIEB generic questions, December 2017, p.4.

937 JACS response to ATSIEB generic questions, December 2017, p.4.



- The Galambany Court Support Program supports Aboriginal and Torres Strait Islander people who are participating in the Galambany Court in the ACT Magistrates Court jurisdiction to comply with any orders of the court.⁹³⁸
- The Aboriginal and Torres Strait Islander Driver Licensing Pilot Project was launched in December 2017. It has been designed 'to increase licensing rates and improve road safety'. The overarching aim of the project is to address the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system, as well as in road accidents and fatalities.⁹³⁹
- 'Galambany Circle Sentencing Court' is a specialised court within the ACT Magistrates Court established to sentence Aboriginal and Torres Strait Islander offenders who plead guilty to an offence. It involves members of the Aboriginal and Torres Strait Islander community in the sentencing process and provides an opportunity for them 'to work collaboratively with the ACT criminal justice system to address over-representation issues and offending behaviour'.⁹⁴⁰
- Amendments to the Magistrates Court Act are being proposed to extend circle sentencing to children in 2018.⁹⁴¹
- Outward Bound Australia has been engaged to deliver a 'Skills for Life' Program which targets 'Aboriginal and Torres Strait Islander men and women in the criminal justice system or at risk of entering the system'.⁹⁴²
- The Restorative Justice Unit employs Indigenous Guidance Partners 'to provide guidance and assistance to Aboriginal and Torres Strait Islander youth and adult offenders and victims referred to or involved in restorative justice'.⁹⁴³
- Yarrabi Bamirr — Justice Reinvestment Family Trial works with Aboriginal and Torres Strait Islander families 'to provide a family-centric service support model that improves life outcomes and reduces or prevents contact with the justice system'.⁹⁴⁴
- JACS has funded Winnunga Aboriginal Health and Community Services for a meeting space 'to support family meetings'.⁹⁴⁵
- Ngurrambai – Bail Support Trial — a two-year Bail Support trial was co-designed by the Aboriginal Legal Service working closely with JACS to 'reduce the number of Aboriginal and Torres Strait Islander people on remand and reduce the amount of time spent on remand'.⁹⁴⁶

2 Implementation of the ACT Aboriginal and Torres Strait Islander Agreement

8.5 In its written response to the Elected Body's second generic question the directorate indicated that:

- JACS continues to implement the ACT Aboriginal and Torres Strait Islander Agreement by empowering Aboriginal and Torres Strait Islander employees through the JACS Reconciliation Action Plan and providing leadership support to targeted employees.⁹⁴⁷

938 JACS response to ATSIEB generic questions, December 2017, p.4.

939 JACS response to ATSIEB generic questions, December 2017, p.5.

940 JACS response to ATSIEB generic questions, December 2017, p.6.

941 JACS response to ATSIEB generic questions, December 2017, p.6.

942 JACS response to ATSIEB generic questions, December 2017, p.6.

943 JACS response to ATSIEB generic questions, December 2017, p.7.

944 JACS response to ATSIEB generic questions, December 2017, p.7.

945 JACS response to ATSIEB generic questions, December 2017, p.7.

946 JACS response to ATSIEB generic questions, December 2017, p.7.

947 JACS response to ATSIEB generic questions, December 2017, p.9.



- ACT Corrective Services is implementing the ACT Aboriginal and Torres Strait Islander Agreement by delivering the Extended Throughcare Program which addresses one of the Agreement's headline indicators.⁹⁴⁸
- ACT Courts and Tribunal (ACTCT) 'is implementing a new case management system which will include data from the ACT Policing system, Promis, on whether a defendant identifies as an Aboriginal and Torres Strait Islander when criminal matters are commenced.' A key action under the Agreement for ACTCT was 'to improve data collection so as to inform government policy'.⁹⁴⁹
- JACS is working to develop justice responses that recognise the common life journeys and trauma of many Aboriginal and Torres Strait Islander people in contact with the justice system. These include Galambany Court and the funding provided for the delivery of the 'Skills for Life' program by Outward Bound Australia.⁹⁵⁰

3 Aboriginal and Torres Strait Islander organisations and community

8.6 In its written response to the Elected Body's third generic question the directorate indicated that:

- JACS engages with Aboriginal and Torres Strait Islander organisations and community generally through the Elected Body and with organisations, including Gugan Gulwan and Winnunga Nimmityjah in relation to justice matters and Justice Reinvestment. JACS has also participated in justice-related forums with the Elected Body and the community.⁹⁵¹
- ACT Corrective Services (ACTCS) engages with Aboriginal and Torres Strait organisations and the community through 'programs, services and initiatives',⁹⁵² including:
 - Partnering with Community Services #1 as part of NAIDOC celebrations 'to exhibit detainee and offender artwork within their public gallery in Narrabundah, as part of the annual NAIDOC Community Art Exhibition'.⁹⁵³
 - Holding its annual NAIDOC AMC Family Day event on Monday 10 July as part of the NAIDOC Week celebrations.⁹⁵⁴
 - The Indigenous Traditional Culture Healing Yarning (ITCHY) Arts Program. The program commenced in August 2015 and is collaboratively delivered by Gugan Gulwan Youth Aboriginal Corporation and Winnunga Nimmityjah—Aboriginal Health and Community Services (AH&CS).⁹⁵⁵
 - The Elders and Community Leaders Visitation Program, which provides cultural connection and strengthening through formal monthly visits and other special visits on a needs basis to the AMC by local Community Elders and other respected Community leaders.⁹⁵⁶
 - 'Fortnightly counselling provided by the Dhunglung Yarra Service' and selected detainees at AMC's Transitional Release Centre 'are allowed approved day release to attend various programs. This includes the weekly Winnunga Men's Group established by the Winnunga Nimmityjah AH&CS'.⁹⁵⁷

948 JACS response to ATSIEB generic questions, December 2017, p.9.

949 JACS response to ATSIEB generic questions, December 2017, p.9.

950 JACS response to ATSIEB generic questions, December 2017, p.9.

951 JACS response to ATSIEB generic questions, December 2017, p.11.

952 JACS response to ATSIEB generic questions, December 2017, p.11.

953 JACS response to ATSIEB generic questions, December 2017, p.11.

954 JACS response to ATSIEB generic questions, December 2017, p.11.

955 JACS response to ATSIEB generic questions, December 2017, p.11.

956 JACS response to ATSIEB generic questions, December 2017, p.11.

957 JACS response to ATSIEB generic questions, December 2017, p.11.



- partnering with Winnunga Nimmityjah AH&CS to create a community-based reporting hub for Aboriginal and Torres Strait Islander offenders on community service orders.⁹⁵⁸
- engaging the Yeddung Mura Aboriginal Corporation and Aboriginal Legal Service as lead support agencies with the Extended Throughcare Program.⁹⁵⁹
- Legislation Policy and Programs' work on the Justice Reinvestment Trial being developed in partnership with the community sector involved 'consultations with Aboriginal and Torres Strait Islander organisations'. JACS has also provided a meeting space to Winnunga to support family meetings.⁹⁶⁰

4 Increased knowledge of the Agreement amongst staff

8.7 In its written response to the Elected Body's fourth generic question the directorate indicated that:

- The close alignment of JACS RAP to the Agreement and key employment documents has made the Agreement an integral part of discussions about reconciliation.⁹⁶¹
- The Agreement was referred to and promoted 'by the Respect, Equity and Diversity (RED) Sponsor and Executive Champion' at meetings, discussions and at RAP meetings and events.⁹⁶²
- JACS created a dedicated page about reconciliation on the intranet.⁹⁶³
- JACS supports staff participation in cultural awareness training, hosts and supports Aboriginal and Torres Strait Islander events, embeds cultural protocols as part of JACS functions, and 'designed and framed an Acknowledgement of country ... in all business units'.⁹⁶⁴
- An increased knowledge of the Agreement among senior staff has resulted from the work of the Steering Committee established following the Moss Review.⁹⁶⁵
- In ACT Courts, the 'agreement has been discussed with the Chief Justice, Chief Magistrate and Courts Cultural Diversity Committee'.⁹⁶⁶

5 Aboriginal and Torres Strait Islander staffing profile

8.8 In its written response to the Elected Body's fifth generic question the directorate indicated that:

- At 15 November 2017, the directorate had:
 - fifty employees who self-identified as being from an Aboriginal and Torres Strait Islander background — representing 2.8 per cent of its workforce⁹⁶⁷
 - fifteen identified positions⁹⁶⁸
 - of the 50 employees who self-identified as being from an Aboriginal and Torres Strait Islander background 24 were female and 26 were male.⁹⁶⁹

8.9 The directorate provided a table showing the classification levels of its Aboriginal and Torres Strait Islander employees.⁹⁷⁰ This table is reproduced below.

958 JACS response to ATSIEB generic questions, December 2017, p.11.

959 JACS response to ATSIEB generic questions, December 2017, p.12.

960 JACS response to ATSIEB generic questions, December 2017, p.12.

961 JACS response to ATSIEB generic questions, December 2017, p.13.

962 JACS response to ATSIEB generic questions, December 2017, p.13.

963 JACS response to ATSIEB generic questions, December 2017, p.13.

964 JACS response to ATSIEB generic questions, December 2017, p.13.

965 JACS response to ATSIEB generic questions, December 2017, p.13.

966 JACS response to ATSIEB generic questions, December 2017, p.13.

967 JACS response to ATSIEB generic questions, December 2017, p.14.

968 JACS response to ATSIEB generic questions, December 2017, p.14.

969 JACS response to ATSIEB generic questions, December 2017, p.14.

970 JACS response to ATSIEB generic questions, December 2017, p.15.



Classification	Number
Ambulance Support Officer 1	1
Ambulance Paramedic	1
Administrative Services Officer Class 2	3
Administrative Services Officer Class 3	3
Administrative Services Officer Class 5	2
Administrative Services Officer Class 6	14
Contract Executive	1
Correctional Officer Class 1	10
Correctional Officer Trainee	3
Fire Brigade 2	1
Fire Brigade 4	3
Intensive Care Paramedic	1
Paralegal 3	1
Senior Officer Grade C	4
Senior Officer Grade B	2
Total	50

- 8.10 The directorate's response indicated that it provided the following professional development and retention opportunities:

All staff including Aboriginal and Torres Strait Islander employees have access to JACS leadership, training and development opportunities via the JACS Learning and Development Calendar, ACTPS training calendar, specific job training provided by their business units, various nationally accredited programs and study opportunities. Some of the training places are also allocated for Aboriginal and Torres Strait Islander employees.⁹⁷¹

- 8.11 The directorate's response also indicated that:

- A number of Aboriginal and Torres Strait Islander employees undertook various centrally-organised professional development programs in 2016–17.⁹⁷²
- Retention opportunities available for its Aboriginal and Torres Strait Islander employees include: access to a coach or mentor; higher duties opportunities; access to career development programs; participation in performance management; and recognition of contributions at the Director-General staff awards.⁹⁷³
- JACS 'continues to explore ways to increase Aboriginal and Torres Strait Islander representation through the implementation of the directorate's inaugural *Inclusion Statement 2016–2019*, the directorate's second *Aboriginal and Torres Strait Islander Employment Action Plan 2016–2019*, ... and JACS third *Reconciliation Action Plan (RAP)*.⁹⁷⁴
- Employment opportunities are advertised in the mainstream media and Aboriginal and Torres Strait Islander media and local networks.⁹⁷⁵

971 JACS response to ATSIEB generic questions, December 2017, p.15.

972 JACS response to ATSIEB generic questions, December 2017, p.15.

973 JACS response to ATSIEB generic questions, December 2017, p.16.

974 JACS response to ATSIEB generic questions, December 2017, p.16.

975 JACS response to ATSIEB generic questions, December 2017, p.17.



- ACTCS 'worked in partnership with Karika Recruiting Group to provide information sessions for Aboriginal and Torres Strait Islander people interested in applying for the trainee Correctional positions'⁹⁷⁶
- ESA participates in the NSW Indigenous Fire and Rescue Employment Strategy (IFARES) and held a special Indigenous *Firefighter for a Day* event at the ESA Training Centre in July 2017.⁹⁷⁷

6 Aboriginal and Torres Strait Islander leadership

- 8.12 In its written response to the Elected Body's sixth generic question the directorate indicated that:
- it currently has an Aboriginal employee who is a contract executive⁹⁷⁸
 - in 2016–17, JACS engaged coaches for employees, had a senior executive mentor an employee, provided opportunities to perform higher duties, and upgraded the Inclusion Officer position to Senior Advisor Social Inclusion⁹⁷⁹
 - ACTCS had created a new identified Indigenous Services Manager position based at the AMC.⁹⁸⁰

7 Management positions

- 8.13 In its written response to the Elected Body's seventh generic question the directorate indicated that:
- The social justices team within Justice Planning and Safety Programs of the Legislation, Policy and Programs Branch focuses on Aboriginal and Torres Strait Islander justice matters. Three of the four team members identify as Aboriginal and/or Torres Strait Islander, one of which is the manager.*⁹⁸¹

8 Focused and effective services

- 8.14 In its written response to the Elected Body's eighth generic question the directorate indicated that:
- JACS delivers a range of services which support the policy objectives of delivering improved outcomes for Aboriginal and Torres Islander People in the ACT. JACS is committed to undertaking, where possible, evaluative processes of these services to ensure these objectives are being met.*⁹⁸²
- 8.15 The response provided the following examples:
- An evaluation of the Extended Throughcare Program by the University of New South Wales Social Policy Research Centre found that 'it has been an effective program' in assisting the reintegration of recently released Indigenous detainees at the AMC.⁹⁸³
 - ACTCT is working with the judiciary and tribunal members to identify and implement initiatives that will improve access for Aboriginal and Torres Islander people in the ACT.⁹⁸⁴
 - ESA has delivered specific activities to engage the Aboriginal and Torres Islander people of the ACT — including an event to mark the 2017 National Reconciliation Week, holding the 'Be a Firefighter for a Day' event during NAIDOC Week in 2017, and holding an ESA Open Day which included a Welcome to country and a smoking ceremony.⁹⁸⁵

976 JACS response to ATSIEB generic questions, December 2017, p.17.

977 JACS response to ATSIEB generic questions, December 2017, p.17.

978 JACS response to ATSIEB generic questions, December 2017, p.18.

979 JACS response to ATSIEB generic questions, December 2017, p.18.

980 JACS response to ATSIEB generic questions, December 2017, p.18.

981 JACS response to ATSIEB generic questions, December 2017, p.19.

982 JACS response to ATSIEB generic questions, December 2017, p.20.

983 JACS response to ATSIEB generic questions, December 2017, p.20.

984 JACS response to ATSIEB generic questions, December 2017, p.20.

985 JACS response to ATSIEB generic questions, December 2017, p.20.



9 Effective policy development and policy impact

- 8.16 In its written response to the Elected Body's ninth generic question the directorate indicated that:
- ACTCS has developed a comprehensive Aboriginal and Torres Strait Islander Detainee and Offender Policy and related Operating Procedures and has commenced work on a new Art and Craft Policy and Operating Procedure.⁹⁸⁶
 - Legislative Policy and Programs is currently undertaking 'an evaluation and cost benefit analysis (CBA) of Galambany Court', an evaluation is being conducted of Yarrabi Bamirr, and evaluations will also be undertaken of the Ngurrambai Bail Support Trial and Restorative Justice Phase 1.⁹⁸⁷

10 Budget allocations to programs, services and clients

- 8.17 In its written response to the Elected Body's tenth generic question the directorate indicated that:
- JACS allocated \$16,314 in 2016–17 'to support Reconciliation Action Plan (RAP) and Aboriginal and Torres Strait Islander activities including Reconciliation Action Week and NAIDOC week celebrations, and development of two pieces of artwork to promote our RAP journey', and at least 275 staff and guests attended the above events.⁹⁸⁸
 - Funds were allocated for hire booths at CareerXpo in August 2017 and the expo 'attracted more than 8,000 students'.⁹⁸⁹
 - A total of 0.79 per cent of the ACT Corrective Services budget has gone towards Aboriginal and Torres Strait Islander programs, services and clients.⁹⁹⁰
 - The NAIDOC AMC Family Day 'attracted over 200 people'; attendance at the Elders and Community Leaders visitation program averages 45 detainees; the Culture and Land Management Program (CALM) currently engages 18 detainees; the ITCHY Arts and Music program has attracted an average of 10 detainees; and the NAIDOC Community Art Exhibition 2017 involved 18 detainees who submitted 45 artworks.⁹⁹¹
 - Legislation Policy and Programs allocated funds for a number of Aboriginal and Torres Strait Islander programs through other agencies totalling \$2,084,182 in 2017–18.⁹⁹²

11 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff

- 8.18 In its written response to the Elected Body's eleventh generic question the directorate indicated that:
- The Senior Advisor Social Inclusion coordinates the JACS Network to provide Aboriginal and Torres Strait Islander staff access to peer support from senior Aboriginal and Torres Strait Islander colleagues, including mentoring and coaching.⁹⁹³
 - During 2016–17, JACS supported the participation of five employee on the 2017 ACTPS Aboriginal and Torres Strait Islander Career Development Program; provided access to coaches for two Aboriginal and Torres Strait Islander staff, and established a network for Aboriginal and Torres Strait Islander employees and encouraged their participation in Murranga Murranga ACTPS Aboriginal and Torres Strait Islander Employee Network.⁹⁹⁴
 - ESA provides mentoring of graduates of the IFARES Program.⁹⁹⁵

986 JACS response to ATSIEB generic questions, December 2017, p.21.

987 JACS response to ATSIEB generic questions, December 2017, p.21.

988 JACS response to ATSIEB generic questions, December 2017, p.22.

989 JACS response to ATSIEB generic questions, December 2017, p.22.

990 JACS response to ATSIEB generic questions, December 2017, p.23.

991 JACS response to ATSIEB generic questions, December 2017, p.23.

992 JACS response to ATSIEB generic questions, December 2017, p.24.

993 JACS response to ATSIEB generic questions, December 2017, p.25.

994 JACS response to ATSIEB generic questions, December 2017, p.25.

995 JACS response to ATSIEB generic questions, December 2017, p.25.



12 Aboriginal and Torres Strait Islander cultural awareness training

- 8.19 In its written response to the Elected Body's twelfth generic question the directorate indicated that:
- During 2016–17, 53 employees attended Aboriginal and Torres Strait Islander cultural awareness sessions bringing the total number trained to 614.⁹⁹⁶
 - The Director-General and other executives attended this awareness training in previous years.⁹⁹⁷
 - ESA is participating in Aboriginal and Torres Strait Islander cultural awareness activities with Fire and Rescue NSW in preparation for IFARES graduates in 2018.⁹⁹⁸

13 Building on knowledge obtained through cultural awareness training

- 8.20 In its written response to the Elected Body's thirteenth generic question the directorate indicated that:
- JACS supports the participation of staff in various Aboriginal and Torres Strait Islander-related programs to build on their knowledge of Aboriginal and Torres Strait Islander people and deliver services to Aboriginal and Torres Strait Islander clients.⁹⁹⁹
 - JACS maintains an Aboriginal and Torres Strait Islander Justice Affairs portal on the internet.¹⁰⁰⁰
 - ACTCS encourages 'non-Indigenous employees to engage with their Indigenous colleagues, working in identified positions, on any culturally related matter'.¹⁰⁰¹
 - As a registered Training Organisation, ACTCS has included specific Aboriginal and Torres Strait Islander accredited units into qualifications.¹⁰⁰²
 - In November 2016, CIT Yurauna Centre was engaged to deliver training on 'working with Aboriginal offenders' to new Community Corrections Officers.¹⁰⁰³
 - The ACT Supreme Court 'has developed a strategic plan that includes a number of programs to support the development of Aboriginal and Torres Strait Islander lawyers'.¹⁰⁰⁴
 - ACTCT is 'examining ways to design and deliver tailored training for staff who have frontline contact with Aboriginal and Torres Strait Islander people'.¹⁰⁰⁵

996 JACS response to ATSIEB generic questions, December 2017, p.26.

997 JACS response to ATSIEB generic questions, December 2017, p.26.

998 JACS response to ATSIEB generic questions, December 2017, p.26.

999 JACS response to ATSIEB generic questions, December 2017, p.27.

1000 JACS response to ATSIEB generic questions, December 2017, p.27.

1001 JACS response to ATSIEB generic questions, December 2017, p.27.

1002 JACS response to ATSIEB generic questions, December 2017, p.27.

1003 JACS response to ATSIEB generic questions, December 2017, p.27.

1004 JACS response to ATSIEB generic questions, December 2017, p.28.

1005 JACS response to ATSIEB generic questions, December 2017, p.28.



Hearings

8.21 The Justice and Community Safety Directorate appeared before the ATSIEB in hearings on 15 March 2018.

Matters considered

8.22 Matters considered by the Elected Body over the course of the hearings in relation to the Justice and Community Safety Directorate included:

- Aboriginal and Torres Strait Islander events attended by the Minister¹⁰⁰⁶
- cultural awareness training¹⁰⁰⁷
- employment of Aboriginal and Torres Strait Islander people¹⁰⁰⁸
- diversionary programs¹⁰⁰⁹
- the Justice Reinvestment Program¹⁰¹⁰
- culturally-appropriate service provision¹⁰¹¹
- community-based reporting centres¹⁰¹²
- design of community intervention and engagement strategies¹⁰¹³
- sustainable delivery models for coordinated support services¹⁰¹⁴
- the *We Don't Shoot Our Wounded* report¹⁰¹⁵
- Youth Justice¹⁰¹⁶
- ACT Courts Cultural Diversity Committee report recommendations¹⁰¹⁷
- the Galambany Court¹⁰¹⁸
- the Outward Bound Program¹⁰¹⁹
- restorative justice— participation and compliance¹⁰²⁰
- AMC— incidents and arrangements for contacting families¹⁰²¹
- AMC— impact of methadone use¹⁰²²
- AMC— the Extended Throughcare Program¹⁰²³
- AMC— female detainees.¹⁰²⁴

1006 *Transcript of evidence*, 15 March 2018, pp.145; 161–62.

1007 *Transcript of evidence*, 15 March 2018, pp.146–48; 161.

1008 *Transcript of evidence*, 15 March 2018, pp.143; 145.

1009 *Transcript of evidence*, 15 March 2018, pp.148–50; 165.

1010 *Transcript of evidence*, 15 March 2018, pp.150–52.

1011 *Transcript of evidence*, 15 March 2018, pp.153–55.

1012 *Transcript of evidence*, 15 March 2018, p.156.

1013 *Transcript of evidence*, 15 March 2018, pp.156–58.

1014 *Transcript of evidence*, 15 March 2018, pp.159–60.

1015 *Transcript of evidence*, 15 March 2018, pp.160–61.

1016 *Transcript of evidence*, 15 March 2018, pp.164–65.

1017 *Transcript of evidence*, 15 March 2018, pp.168–69.

1018 *Transcript of evidence*, 15 March 2018, pp. 152; 159; 169.

1019 *Transcript of evidence*, 15 March 2018, pp. 150; 169–70.

1020 *Transcript of evidence*, 15 March 2018, pp.148; 170.

1021 *Transcript of evidence*, 15 March 2018, pp.162–64.

1022 *Transcript of evidence*, 15 March 2018, pp.166–67.

1023 *Transcript of evidence*, 15 March 2018, pp.162; 168.

1024 *Transcript of evidence*, 15 March 2018, pp.157; 171–73.



Key issues

Aboriginal and Torres Strait Islander Events attended by the Minister

- 8.23 The Elected Body asked directorate representatives about the number of Aboriginal and Torres Strait Islander events that Ministers had attended in the previous three years.¹⁰²⁵
- 8.24 This question was taken on notice.
- 8.25 The directorate's response to this Question Taken on Notice advised that the involvement of Ministers at Aboriginal and Torres Strait Islander events 'is always encouraged, but is subject to other commitments, priorities and the attendance of other key government representatives or Ministers.' The response provided a list of various known Aboriginal and Torres Strait Islander events attended by Ministers Rattenbury, Ramsay, Gentleman, and Berry as well as by the former Attorney-General Mr Simon Corbell, but it also noted that the list was not intended to be exhaustive.¹⁰²⁶
- 8.26 Later in the hearing, the Elected Body heard that the directorate's senior leadership team had attended 'community hosted events' such as the Yarramundi markets, the Winnunga Christmas party, the various NAIDOC celebrations, and the reconciliation walk.¹⁰²⁷

Cultural awareness training

- 8.27 The Elected Body was also interested to learn about the cultural awareness training used in the directorate, and whether it included Ngunnawal and traditional custodian content and was delivered by a local provider.¹⁰²⁸
- 8.28 The Director-General advised that there were 'a number of different providers in cultural competency.' She explained that for general office staff the programs offered by CIT were often used which included Ngunnawal content. The Director-General also referred to a forthcoming JACS executive retreat focused on the Ngunnawal language and culture and a previous session the executive attended on Ngunnawal families and history.¹⁰²⁹
- 8.29 The Executive Director, ACT Corrective Services, advised that cultural awareness was a key component of custodial officer training, though specific information regarding its content would be provided on notice. He also explained that ACT Corrective Service had been working with the Commonwealth Government on developing an appropriate training program in response to the 'prison to work' program. He said that additional specific information would be provided on notice.¹⁰³⁰ Later in the hearing, he told the Elected Body that following a structural review of AMC, appointments would be made to key positions and that 'all of those senior leaders will go through an induction package'.¹⁰³¹
- 8.30 The Acting Chief Human Resources Officer told the Elected Body that 53 JACS employees attended cultural awareness training in the July–September quarter of 2017, bringing the total number of staff who had completed this training to 591, or about a third of all staff. She advised that the training was provided by the ACT Council of Social Services and that additional training was scheduled in 2018.¹⁰³²

¹⁰²⁵ ATSIEB, *Transcript of evidence*, 15 March 2018, p.145.

¹⁰²⁶ Ms Alison Playford, Response to Question Taken on Notice at hearings of 15 March 2018, signed 30 April 2018.

¹⁰²⁷ Ms Alison Playford, *Transcript of evidence*, 15 March 2018, pp.161; 162.

¹⁰²⁸ ATSIEB, *Transcript of evidence*, 15 March 2018, p.146.

¹⁰²⁹ Ms Alison Playford, *Transcript of evidence*, 15 March 2018, pp.145; 146.

¹⁰³⁰ Mr Jon Peach, *Transcript of evidence*, 15 March 2018, pp.146; 147.

¹⁰³¹ Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.148.

¹⁰³² Ms Virginia Hayward, *Transcript of evidence*, 15 March 2018, p.147.



- 8.31 During discussion, the Elected Body was told that cultural awareness training was part of the mandatory training schedule for senior officers at the AMC. It was also told that commitments to cultural awareness and workforce diversity were included in the performance agreements of executives.¹⁰³³
- 8.32 The Director-General also spoke about the days of significance which were identified in the directorate's Reconciliation Action Plan. She said that some of these events were internal while others involved members of the community, such as a barbecue that was hosted in NAIDOC Week and a family day that was held at the AMC. She said that these events were a key way to ensure that staff are culturally-proficient and aware and that Aboriginal and Torres Strait Islander people saw JACS as 'an employer of choice' and 'feel welcome and feel that we appropriately recognise their culture'.¹⁰³⁴
- 8.33 Later in the hearing the Elected Body was assured that the directorate's senior leadership team had all completed cultural awareness training.¹⁰³⁵

Employment of Aboriginal and Torres Strait Islander people

- 8.34 The employment of Aboriginal and Torres Strait Islander people was discussed at various times throughout the hearing with JACS representatives.
- 8.35 In her opening statement, the Director-General said that as an outcome of the Moss Review, the government had announced the appointment of the ACT's first inspector of correctional services to ensure continual improvement and prevent poor practices.¹⁰³⁶ She also said that the directorate was 'continuing to actively recruit Aboriginal and Torres Strait Islander staff' and that on 7 March 2018, 47 Aboriginal and Torres Strait Islanders were employed. She also mentioned that the ACT Emergency Services Agency had established arrangements to recruit two Aboriginal and Torres Strait Islander firefighters through the Fire and Rescue Indigenous Employment Strategy.¹⁰³⁷
- 8.36 In its response to a Question Taken on Notice about identified positions in JACS and their levels, the directorate advised that it had 16 identified positions—five in Legislation, Policy and Programs; nine in ACT Corrective Services; and two temporary positions in the Human Rights Commission. Information provided about these positions indicated that they range in level from ASO5 to SOGB, with nine positions being at the ASO6 level.¹⁰³⁸

Diversionsary programs

- 8.37 The Elected Body asked directorate officials about the measures that had increased the access of Aboriginal and Torres Strait Islander people to diversionsary programs.¹⁰³⁹
- 8.38 In her response, the Director-General advised that some statistics would be provided to the Elected Body on notice, but that various programs were aimed at, or contributed to, diversion. The Director-General described various 'diversionsary' programs including:
- The Restorative Justice Program—this 'allows an alternative to court pathway' and the focus on Aboriginal and Torres Strait Islanders was through the Indigenous Guidance Partner.¹⁰⁴⁰

1033 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.147.

1034 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, pp.147–48.

1035 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.161.

1036 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.143.

1037 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.145.

1038 Mr David Pryce, Response to Question Taken on Notice at hearings of 15 March 2018, signed 23(?) March 2018.

1039 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.148.

1040 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.148.



- The Driver's License Program—that an Aboriginal and Torres Strait Islander person had been accredited as an instructor and that the program will commence in April 2018. The Director-General also said that appropriate access would be provided to people exiting the AMC.¹⁰⁴¹
- The Yarrabi Bamirr trial—a family-centric, intensive case management approach that is being undertaken with Winnunga. It 'is not just supporting an individual who is going through the justice system and providing them with support and advice but also very much about support for the family unit and ensuring that the family unit is working effectively'.¹⁰⁴²
- The CBR NightCrew Program—operates in the city on Thursday, Friday and Saturday nights. The Director-General said that the program does not have 'a specific focus on Aboriginal and Torres Strait Islander people' but JACS was 'putting a proposal to government to expand the program'.¹⁰⁴³ The Director-General stated: '... that program has been very effective in terms of diverting people who otherwise might have ended their night badly and ensuring that they get appropriate support, appropriate ways to get home, appropriate contact with friends et cetera to deal with situations that might be arising in the Civic area'.¹⁰⁴⁴
- The Bail Support Trial—provides individuals with appropriate support structures to allow them to meet their bail conditions, keeping them from incarceration. It is being undertaken by the Aboriginal Legal Service on behalf of JACS.¹⁰⁴⁵
- The Director-General also referred to the Front-Up Service, the Interview Friend Service, and the Galambany Court Support as diversionary in 'providing people support and hopefully helping them have strategies which will help them avoid incarceration'.¹⁰⁴⁶
- The Outward Bound Program—aimed at young people aged 18 to 25 years and was 'a response to calls from the Galambany Court panels around alternative options to incarceration ... They are very much aimed at giving people life skills ... which will have positive life outcomes for people'.¹⁰⁴⁷

8.39 During discussion, the Director-General advised that there were 'evaluations of a couple of those programs' and data would be provided to the Elected Body about access to those programs.¹⁰⁴⁸

8.40 The Deputy Director-General, Community Safety, advised that the performance agreement contract with the Chief Police Officer provides for 'increased support for early intervention and diversion'.¹⁰⁴⁹

8.41 In the discussion which followed, the Deputy Director-General acknowledged that Aboriginal and Torres Strait Islander people are over-represented in the prison and criminal justice system and said that 'it is too late at the back end to try to fix the problem'.¹⁰⁵⁰ He emphasised: 'Preventing people coming in, in the first place and doing everything you can to slow down the frequency of the impact ... is the focus of what we are trying to do'.¹⁰⁵¹ He said that there were a number of 'very innovative works' and although they did not have 'the full evaluation to describe the impact', the anecdotal evidence is positive.¹⁰⁵²

1041 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.148.

1042 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.148.

1043 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.148.

1044 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.149.

1045 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.149.

1046 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.149.

1047 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.150.

1048 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.149.

1049 Mr David Pryce, *Transcript of evidence*, 15 March 2018, p.149.

1050 Mr David Pryce, *Transcript of evidence*, 15 March 2018, pp.149–50.

1051 Mr David Pryce, *Transcript of evidence*, 15 March 2018, p.150.

1052 Mr David Pryce, *Transcript of evidence*, 15 March 2018, p.150.



- 8.42 Later in the hearing the Elected Body asked directorate representatives if it was considering diversionary models that could be accessed by Aboriginal and Torres Strait Islander offenders to assist ACT Policing.¹⁰⁵³
- 8.43 The Director-General told the Elected Body that the directorate had been working closely with ACT Policing on how to improve their diversionary models. She also said that discussions were held with the Chief Police Officer about their current cautions policy, as well as training for their workforce. She said they worked closely with ACT Policing on restorative justice and had a 'formal agreement with them about that diversion program' which had seen 'an increasing number of referrals'.¹⁰⁵⁴

The Justice Reinvestment program

- 8.44 During discussion, the Director-General advised the Elected Body that the Justice Reinvestment program was 'a series of work components which are intended to ensure that we have a better evidence base about the value of these programs'.¹⁰⁵⁵
- 8.45 The Acting Director, Justice Reinvestment, told the Elected Body that the program consisted of two streams of work. She said that the first concerned 'building an evidence base' to make decisions to reduce both over-representation and recidivism, while the second stream focused on 'understanding what our justice priorities are and what are the operational activities that we need to engage in'.¹⁰⁵⁶
- 8.46 In relation to the design of the program, the Acting Director said that it included seven projects — these included: developing costing models; mapping of the services and programs in the ACT; a data snapshot . . . of the contact points that vulnerable Canberra citizens have across the human services system and the justice system; and of Aboriginal and Torres Strait Islander people.¹⁰⁵⁷ As for the operational activities, she explained that this was undertaken through 'extensive consultation'. She said that the Yarrabi Bamirr trial was developed on the basis of 'a very strong consultation process'.¹⁰⁵⁸ During discussion, the Acting Director agreed to provide information on notice to the Elected Body about the number of Aboriginal and Torres Strait Islanders who had been involved in that consultation. She also said that the Justice Reinvestment work was supported by the justice reinvestment advisory group — 'a really strong governance structure'.¹⁰⁵⁹
- 8.47 In response to a question asked by the Elected Body, the Acting Director advised that members of the Aboriginal and Torres Strait Islander community involved in discussion about justice reinvestment included 'Winnunga, Gugan Gulwan, the Aboriginal Legal Service, the Elected Body'.¹⁰⁶⁰ Following discussion, the question about Aboriginal and Torres Strait Islander involvement in the whole Justice Reinvestment program was taken on notice.
- 8.48 The directorate's response to this Question Taken on Notice provided detailed information about the governance structure of the program as well as the various stakeholders, including Aboriginal and Torres Strait Islander organisations and individuals, who had been involved in the program. The directorate's response stated, among other things, that:

The focus of Justice Reinvestment (JR) in the ACT has been on reducing the over-representation of Aboriginal and Torres Strait Islander people in the justice system. Central to consultation has been the Elected Body, Aboriginal and Torres Strait Islander run

1053 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.165.

1054 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.165.

1055 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.150.

1056 Dr Nova Inkpen, *Transcript of evidence*, 15 March 2018, p.150.

1057 Dr Nova Inkpen, *Transcript of evidence*, 15 March 2018, pp.150–51.

1058 Dr Nova Inkpen, *Transcript of evidence*, 15 March 2018, p.151.

1059 Dr Nova Inkpen, *Transcript of evidence*, 15 March 2018, p.151.

1060 Dr Nova Inkpen, *Transcript of evidence*, 15 March 2018, p.151.



*organisations and the Aboriginal and Torres Strait Islander Community. In addition to these stakeholders is the governance structure... that includes government, community sector, justice stakeholders (including judicial officers and the legal profession), academia and those with lived experience of the justice system.*¹⁰⁶¹

- 8.49 With regard to the timeframe for the development of the justice reinvestment program, the Director-General advised that there were various stages and that the development took 'a relatively long period' to ensure appropriate engagement and community consultation and the question was taken on notice.¹⁰⁶²
- 8.50 The directorate's response to this Question Taken on Notice advised that the 'development of the JR Strategy was a four-year commitment of the ACT Government in the 2014–15 Budget (2014–18)'.¹⁰⁶³
- 8.51 The Elected Body was interested to know more about the impact and future of the initiative.¹⁰⁶⁴
- 8.52 It heard that JACS was about to commence an evaluation of the Yarrabi Bamirr trials, but while some evaluations undertaken for the justice reinvestment work were complete some were still to be progressed. The Director-General told the Elected Body that the evaluation of the Galambany Circle Sentencing Court had concluded that 'for every dollar spent, there is three dollars economic value for the government in terms of outcomes'.¹⁰⁶⁵ She advised that an evaluation of the 'high density housing program' had been completed as well as an evaluation of the Extended Throughcare Program. She also indicated that various recommendations from the latter evaluation, 'including that we should have a greater focus on Aboriginal and Torres Strait Islander people... led to an outcome where, in the last budget, there was an allocation for a specific Aboriginal and Torres Strait Islander team member to be part of that throughcare team'.¹⁰⁶⁶

Culturally-appropriate service provision

- 8.53 The Elected Body noted that there were several references to 'culturally-appropriate service provision' in the *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*. It asked what standards had been set by directorates for that, how the standard was met internally, and whether it was used by directorates in the procurement of service.¹⁰⁶⁷
- 8.54 In her response, the Director-General referred to the programs included in JACS' Reconciliation Action Plan, the training that is provided to staff particularly those who worked in corrections, the protocols for conducting various ceremonies, and the regular inclusion of 'Welcomes to country' and smoking ceremonies in events. She stated: 'For me, all those things are important components in ensuring that we are culturally-appropriate in the way we deliver our services'.¹⁰⁶⁸ In addition, the Director-General referred to the provision of 'funding to the court to allow them to do a day of community engagement with Aboriginal and Torres Strait Islander people', that the courts were working with law schools about prioritising Aboriginal and Torres Strait Islander access to associate positions, and were also considering options for trainees within the court system.¹⁰⁶⁹
- 8.55 The Deputy Director-General, Justice, added that the Justice Partnership itself not only involved an advisory board but an Aboriginal caucus which provides 'a mechanism to test propositions that are coming from the partnership and to ensure that there is consideration of cultural appropriateness in the things that are being discussed'.¹⁰⁷⁰

1061 Ms Alison Playford, Response to Question Taken on Notice at the hearings of 15 March 2018, signed 17 April 2018.

1062 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.152.

1063 Ms Alison Playford, Response to Question Taken on Notice at the hearings of 15 March 2018, signed 17 April 2018.

1064 ATSIJB, *Transcript of evidence*, 15 March 2018, p.152.

1065 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.152.

1066 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.152.

1067 ATSIJB, *Transcript of evidence*, 15 March 2018, p.153.

1068 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.153.

1069 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.153.

1070 Mr Richard Glenn, *Transcript of evidence*, 15 March 2018, p.153.



- 8.56 The Director-General then advised that many of the programs she had talked about—including the expansion of Galambany and the bail support program—were ‘initiatives that have come out of that Aboriginal justice partnership conversation and have had the benefit of the insights’.¹⁰⁷¹
- 8.57 During the discussion, the Elected Body said that part of the intent of the question was that it was keen to ensure that ‘culturally-appropriate service provision’ was embedded into systems and was not based solely on existing goodwill or the personalities that were currently involved.¹⁰⁷²
- 8.58 In her response the Director-General said that ‘it is about getting the culture of the organisation right’ and ‘make things sustainable’ by embedding them in the culture ‘so that it is part of business as usual’.¹⁰⁷³ She also referred to having various permanent ‘designated positions’ to ensure that Aboriginal and Torres Strait Islander people were in particular positions. These included the Indigenous Guidance Partner in the Restorative Justice program.¹⁰⁷⁴
- 8.59 The Acting Chief Human Resource Officer advised that JACS had 16 identified positions, of which five were in Legislation and Policy, nine were in Corrections, and two temporary positions were in the Human Rights Commission.¹⁰⁷⁵
- 8.60 The Director-General then also mentioned the strategy in Emergency Services to ‘ensure that we recruited two Aboriginal and Torres Strait Islander firefighters’.¹⁰⁷⁶
- 8.61 During the discussion which followed, the Chief Officer, ACT Fire and Rescue and the Emergency Services Agency, advised that the two recruits who were currently undertaking training were not from Canberra or the surrounding region but for the next IFARES program in 2018 the focus was ‘on getting local applicants’.¹⁰⁷⁷

Community-based reporting centres

- 8.62 During discussion about community-based reporting centres, the Executive Director, ACT Corrective Services, said that the delivery of a community-based service commenced at Winnunga at the end of 2017. He advised that while efforts had been made to provide a similar service in the north side of Canberra, a ‘suitable base’ had not been established.¹⁰⁷⁸

Design of community intervention and engagement strategies

- 8.63 The Elected Body asked directorate officials about the strategies and activities that had been undertaken in the previous 12 months ‘to design Aboriginal and Torres Strait Islander community intervention and engagement strategies’.¹⁰⁷⁹
- 8.64 The Director-General said that the key one was the trial with Winnunga which was ‘very much a co-design process’. She also referred to ‘the various programs being delivered through the Aboriginal Legal Service’.¹⁰⁸⁰
- 8.65 The Executive Director, ACT Corrective Services, told the Elected Body that their examples were ‘about working more to bring services into the AMC as opposed to actually in the community.’ He said that their relationship with Winnunga had developed in the previous ten months, particularly in relation to the

1071 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, pp.153–54.

1072 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.154.

1073 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.154.

1074 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.154.

1075 Ms Virginia Hayward, *Transcript of evidence*, 15 March 2018, p.154.

1076 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.155.

1077 Mr Mark Brown, *Transcript of evidence*, 15 March 2018, p.155.

1078 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.156.

1079 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.156.

1080 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.156.



recommendations of the Moss Report. He said that occurred in two ways.¹⁰⁸¹ The first was when female detainees at the AMC were relocated in November 2017, Corrective Services had engaged with Winnunga for 'providing support' to them 'both from a spiritual point of view ... and options ... to embed the health program that is discussed under Moss'.¹⁰⁸² Additionally, funding had been obtained for work with ACT Health and Winnunga to 'deliver an Aboriginal health service within the AMC'.¹⁰⁸³

- 8.66 The Director-General also referred to a co-design process for Phase 3 of the Restorative Justice Program which includes 'funding for an Aboriginal and Torres Strait Islander position for the rollout.' She said that was based on some of the feedback received.¹⁰⁸⁴
- 8.67 The Manager, Restorative Justice Unit, told the Elected Body that funding had been received after the commencement of Phase 2, to 'engage an extra Indigenous full-time permanent person.' She said that the Unit had two Indigenous Guidance Partners and they were also 'piloting engaging one of those permanent officers as an Indigenous convenor.' She said that Convenors 'make decisions and have power in the conferencing process'.¹⁰⁸⁵
- 8.68 The Director-General explained that an 'extensive process' was undertaken with Winnunga to work through 'what the program would look like and how it would be delivered.' She stated: 'At the end of the day, it came down to trust and providing a level of trust that they would deliver, but perhaps in a different way to what we originally thought they would deliver. Around that framework of trust, there will be a formal evaluation'.¹⁰⁸⁶ She explained that it took Winnunga a while to sign up families and 'again, I think it came back to a trust relationship'.¹⁰⁸⁷
- 8.69 The Director-General expressed the view that the steering committee for the Moss review was also a co-design in terms of its structure. She said it was a 'deliberate decision' to involve government and non-government agencies and she said they knew that they 'were taking some risks'. She said that within the committee structure there were 'three government people and four Aboriginal people'.¹⁰⁸⁸

Sustainable delivery models for coordinated support services

- 8.70 The Elected Body asked Justice and Community Safety Directorate representatives about the work being undertaken 'to develop sustainability delivery models for coordinated support services' for Aboriginal and Torres Strait Islanders.¹⁰⁸⁹
- 8.71 In her response, the Director-General pointed out that JACS was a very diverse directorate. She said that in the justice area, 'the designated positions for things like the Galambany Court work with the Galambany Magistrate but also support the program and community panel members. She said that 'having that as a permanent full-time position very much ensures the sustainability of that program'.¹⁰⁹⁰ In relation to restorative justice, the Indigenous Guidance Partner assists Aboriginal and Torres Strait Islander people to access the program. She also said that particular designated positions had been embedded in Corrective Services.¹⁰⁹¹
- 8.72 The Executive Director, ACT Corrective Services, said that a new 'Indigenous services coordinator' position had been established at the AMC. He said that the position 'gives some progressive ability for junior

1081 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.156.

1082 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.157.

1083 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.157.

1084 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.157.

1085 Ms Amanda Lutz, *Transcript of evidence*, 15 March 2018, p.157.

1086 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.157.

1087 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.158.

1088 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.158.

1089 ATSIEB, *Transcript of evidence*, 15 March 2018, p.159.

1090 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.159.

1091 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.159.



staff” and is there to ensure that the services and programs that are provided are ‘effective and efficient in delivery and allow us to evaluate them. It also allows us to engage better with the community’.¹⁰⁹² He said ‘the sustainability model is there’ because there was a dedicated position to ensure that ‘the specific needs of Aboriginal peoples in the AMC are both advocated for and addressed’.¹⁰⁹³

8.73 The Director-General then referred to the creation of a ‘permanent full-time position of Social Inclusion Officer’ and that person ensures that JACS meets its diversity targets. She said that person had also assisted with the development of an ‘Aboriginal employment plan’ and ensures cultural proficiency in the directorate. She said that the Social Inclusion Officer ‘works closely with the executive champion for Aboriginal and Torres Strait Islander people, who is also the executive champion for ... [the] Reconciliation Action Plan’.¹⁰⁹⁴ She stated: ‘... that position has been key to ensuring that the way we do things across the directorate is sustainable’.¹⁰⁹⁵

8.74 The Deputy Director-General, Community Safety, said that the directorate had its own network of Aboriginal and Torres Strait Islander staff in addition to the Murranga Aboriginal and Torres Strait Islander network for the ACTPS. He also referred to the need to mentor, coach and support them in their careers. He stated:

*We do not want just to attract more Aboriginal and Torres Strait Islander people to join our service; we want to retain them, skill them and hopefully have them become part of our leadership group.*¹⁰⁹⁶

The *We Don’t Shoot Our Wounded* report

8.75 During the hearing the Elected Body expressed interest in learning about the status of the directorate’s implementation of the recommendations of the *We Don’t Shoot Our Wounded* report.¹⁰⁹⁷

8.76 This question was taken on notice.¹⁰⁹⁸

8.77 The directorate’s response to this Question Taken on Notice advised that this ‘body of work was transferred from JACS to CSD in October 2017’. The response stated, among other things that:

The report was produced in 2009 and made 11 broad recommendations for the community and government in the ACT regarding the prevention of family violence, supporting victims, helping men to live violence free lives, and a strong focus on healing.

*While the ACT Government did not provide a formal response to the recommendations, we are committed to tackling family violence and its impacts on all members of the community through a number of high priority activities as outlined in The ACT response to Family Violence. These activities involve addressing the needs of victims of domestic violence as well as developing responses for offenders, and include consideration of the complex intergenerational trauma issues from colonisation that impact on Aboriginal and Torres Strait Islander people.*¹⁰⁹⁹

1092 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.159.

1093 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.159.

1094 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, pp.159–60.

1095 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.160.

1096 Mr David Pryce, *Transcript of evidence*, 15 March 2018, p.160.

1097 ATSIEB, *Transcript of evidence*, 15 March 2018, p.160.

1098 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.161.

1099 Ms Alison Playford, Response to Question Taken on Notice at hearings of 15 March 2018, signed 24 April 2018.



Youth justice

- 8.78 During discussion, the Elected Body referred to the Aboriginal and Torres Strait Islander Experience Court Reports—or ‘ngattai’ (‘listen’) reports—that were proposed for use in ACT Courts¹¹⁰⁰ and asked whether they would also be used for young people at Bimberi.¹¹⁰¹
- 8.79 The Executive Director, Legislation, Policy and Programs, advised that at that stage they were focused on use in the Supreme Court but that more detailed discussions would soon occur about the development of the reports and their use.¹¹⁰²
- 8.80 The Executive Director also advised the Elected Body that the Warrambul Court for youth offenders will be set up from 1 September 2018.¹¹⁰³ In terms of the experience or training for panel members of the court, the Senior Policy Officer, Social Justice, stated:

Training has been a key focus for anyone we have spoken to, that the appropriate training is put in place. Certainly, it would be around youth-specific, childhood development, trauma-informed practice, and we would be looking to use the panel members who have the most experience and transition them, through the training, into the youth court, also looking at other Aboriginal and Torres Strait Islander people who have youth experience and experience working with children.¹¹⁰⁴

ACT Courts Cultural Diversity Committee report recommendations

- 8.81 During the hearing the Elected Body referred to the ACT Courts and Tribunal *Action Plan for Access to Courts for Aboriginal and Torres Strait Islander People in the ACT* of the ACT Courts Cultural Diversity Committee and asked whether it had been published and if the changes it identified had been implemented.¹¹⁰⁵
- 8.82 The Director-General advised that the published report was on the courts website and that the components that had been implemented included engagement with universities about identifying associates from law schools; and that engagement with the community, including Winnunga, had also commenced. She also said that the Chief Justice and the Chief Magistrate were to meet with the Elected Body.¹¹⁰⁶ In addition, she said that they have organised a schools expo jointly with Legal Aid and the DPP ‘to showcase the law and careers within the law to Aboriginal and Torres Strait Islander kids through the school system and to encourage more . . . to consider pursuing careers in the law’.¹¹⁰⁷

The Galambany Court

- 8.83 In relation to the Galambany Circle Sentencing Court, the Elected Body asked about its impact on the rate of incarceration of Aboriginal and Torres Strait Islander people as well as whether the evaluation of the court had been finalised.¹¹⁰⁸

1100 ‘As part of the program of work under the Justice Reform Strategy, the government commissioned Legal Aid ACT to design a framework for the creation of Aboriginal and Torres Strait Islander Experience Court Reports which has been finalised in June 2017. Based on the Canadian Gladue style reports, the aim is to provide the courts with pre-sentence information about an offender’s community, family and personal circumstances and the impact of the cultural, social and historical issues confronted by Aboriginal and Torres Strait Islander people. The framework will be used to inform the development of a trial of these specialised reports in 2017–18.’ See *Justice and Community Safety Directorate Annual Report 2016–17*, p.27.

1101 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.164.

1102 Ms Tamsyn Harvey, *Transcript of evidence*, 15 March 2018, p.164.

1103 Ms Tamsyn Harvey, *Transcript of evidence*, 15 March 2018, p.164.

1104 Ms Melinda Tew, *Transcript of evidence*, 15 March 2018, p.165.

1105 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.168.

1106 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.168.

1107 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.169.

1108 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.169.



- 8.84 The Executive Director, Legislation, Policy and Programs, told the Elected Body that the evaluation was currently being finalised, but a key finding will be about 'a return of investment of three dollars for every one dollar spent'.¹¹⁰⁹ The Senior Policy Officer, Social Justice, said it was worth waiting for the data that was used in the report as it demonstrates the court's positive impact including on return contact with the police and with the courts and corrections.¹¹¹⁰
- 8.85 In its response to the Question Taken on Notice about the evaluation of the Galambany Circle Sentencing Court the directorate advised, among other things, that a qualitative evaluation and a cost benefit analysis (CBA) had been undertaken. It also advised: 'The draft evaluation and CBA have been provided to the Justice and Community Safety Directorate for review, with an expected timeframe for finalisation and release in May 2018'.¹¹¹¹

The Outward Bound Program

- 8.86 Similarly, the Elected Body was interested to know whether the Outward Bound Program had been evaluated and what was learned from that.¹¹¹²
- 8.87 The Senior Policy Officer, Social Justice, said that the program was still operating and that the contract had been extended to ensure that there were enough numbers coming through the program so it was well utilised. She said an emphasis had been given to the 'cultural component of the program' and that consultants had been engaged to mentor and support those who participated in the program. She also advised that they were not yet 'at the point of evaluating' the program.¹¹¹³
- 8.88 The Director-General referred to the approach of adjusting a program as it went along, rather than waiting to the point of formal evaluation. She said that the directorate had been dealing with the challenge of getting people to commit to a five-day program and engaging with Outward Bound about providing supports to those attending the camps.¹¹¹⁴

Restorative justice — participation and compliance

- 8.89 During discussion about restorative justice, the Elected Body heard that participation was 'the key to success'. The Manager, Restorative Justice Unit, expressed disappointment that the participation rate of young people had reduced, though the participation rate for Aboriginal and Torres Strait Islander adults had increased. She explained that part of the Unit's response was to consider whether engaging Aboriginal and Torres Strait Islanders as convenors and involving them in the decision-making process in conferencing may contribute to greater trust, and raise the profile of that position in the community.¹¹¹⁵
- 8.90 In terms of the compliance with agreements made by those who participated, the Director-General stated: 'Overall, we find that when we do get people to participate fully through the program, our compliance rates are pretty good'.¹¹¹⁶ She also said that the restorative justice process 'is such a sort of strong and rigorous process that if you can get all the way through the process, you have a pretty good chance of compliance'.¹¹¹⁷

1109 Ms Tamsyn Harvey, *Transcript of evidence*, 15 March 2018, p.169.

1110 Ms Melinda Tew, *Transcript of evidence*, 15 March 2018, p.169.

1111 Mr David Pryce, Response to Question Taken on Notice at hearings of 15 March 2018, signed 28 August 2018.

1112 ATSIEB, *Transcript of evidence*, 15 March 2018, p.169.

1113 Ms Melinda Tew, *Transcript of evidence*, 15 March 2018, p.169.

1114 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.170.

1115 Ms Amanda Lutz, *Transcript of evidence*, 15 March 2018, p.170.

1116 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.170.

1117 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.170. For information on the compliance rates of Aboriginal and Torres Strait Islander young people referred in 2016–17 (60 per cent) and Aboriginal and Torres Strait Islander adults referred in 2016–17 (100 per cent) see *Justice and Community Safety Directorate Annual Report 2016–17*, pp.37–38.



AMC—incidents and arrangements for contacting families

- 8.91 During the hearing the Elected Body asked directorate representatives a number of questions in relation to the AMC.
- 8.92 The Elected Body asked about the progress of implementing the recommendation of the Moss Review that families be contacted when an incident occurs at the AMC involving an Aboriginal and Torres Strait Islander detainee.¹¹¹⁸
- 8.93 The Elected Body heard that one incident occurred in late 2017 where the policy was not followed, however, the General Manager at the AMC had reinforced the policy to notify the kin if a detainee is subject to any incident requiring hospitalisation since that incident occurred.¹¹¹⁹ The Executive Director, ACT Corrective Services, soon after stated:
- Any serious incident that happens in the AMC comes directly to my desk within a matter of 30 minutes.*¹¹²⁰
- 8.94 At that stage in the hearing, the Deputy Director-General, Community Safety, advised that the government had 'invested a further \$8.8 million over the next three years to improve security arrangements at the AMC' and that some of the work 'that has had the biggest impact is the increase in closed-circuit television (CCTV) coverage and the quality of the cameras, so the footage is actually sufficient to support a police investigation and then a prosecution'.¹¹²¹
- 8.95 The Deputy Director-General also said that the government had appointed a new 'Inspector of Correctional Services'¹¹²² and that one of the functions of the role was 'to investigate critical incidents that may be referred' and 'to report to the assembly and to the Minister'.¹¹²³
- 8.96 The Elected Body then asked whether there would be places for Aboriginal and Torres Strait Islander people exiting the AMC through the 'prison to work' initiative¹¹²⁴—this question was taken on notice.¹¹²⁵

AMC—impact of methadone use

- 8.97 In response to a question asked by the Elected Body about the impact of methadone use by detainees at the AMC, the General Manager, Custodial Operations, ACT Corrective Services, advised that the impact was significant and its effects daily operations because of 'the numbers, the complications and the medical implications'. He said that getting a prescription may disrupt a detainee's attendance at an education or employment program, and that the medication could affect the demeanour of detainees.¹¹²⁶
- 8.98 The Executive Director, ACT Corrective Services, added that the administration of methadone had to be supervised to ensure that 'it is not easily distributed as contraband' and this can be 'time constraining'. He also said that opioid replacement treatment (ORT) affects employment opportunities for detainees within the AMC

1118 ATSIEB, *Transcript of evidence*, 15 March 2018, p.162.

1119 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, pp.162–63.

1120 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.164.

1121 Mr David Pryce, *Transcript of evidence*, 15 March 2018, p.163.

1122 'The government is committed to improving the treatment and care of detainees in custody. In response to Recommendation 8 of the 'So Much Sadness in our Lives' report by Mr Phillip Moss AM, and Recommendation 5 of the ACT Legislative Assembly's Justice and Community Safety Standing Committee's Inquiry into the Auditor-General's report on the Rehabilitation of Male Detainees, the government committed to operationalise an Inspectorate of Custodial Services function as a new model of oversight by the end of 2017, including a critical incident review function.' See *Justice and Community Safety Directorate Annual Report 2016–17*, p.32.

1123 Mr David Pryce, *Transcript of evidence*, 15 March 2018, pp.163–64.

1124 ATSIEB, *Transcript of evidence*, 15 March 2018, p.164.

1125 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.164.

1126 Mr Ian Robb, *Transcript of evidence*, 15 March 2018, p.166.



and on release. He said being on methadone or ORT may affect a person's eligibility for employment upon release and 'can have a profound effect on rehabilitation and reintegration if we do not manage it carefully'.¹¹²⁷

- 8.99 During the discussion the Deputy Director-General, Community Safety, referred to a recent report of the Health Services Commissioner which covered the 'methadone opioid replacement therapy program'. He said that report, as well as the coroner's interest in the inquest into the death of Steven Freeman, 'will inform future strategies and actions'.¹¹²⁸
- 8.100 In terms of the delivery of methadone, the Director-General suggested that questions about that be put to the Health Directorate and that there had been 'changes to the way that methadone is delivered through the health system using the iDose approach'.¹¹²⁹

AMC—the Extended Throughcare Program

- 8.101 During discussions in the hearing about the Extended Throughcare Program, the Executive Director, ACT Corrective Services, advised the Elected Body that changes were to be made to the criteria of the Throughcare Program from 1 April 2018.¹¹³⁰ He stated:

*One of the things that came out of the evaluation previously was the inability to meet the needs particularly of Aboriginal and Torres Strait Islanders and female detainees. One of the challenges we had, under the old criteria for throughcare, was that anybody that came into custody was pretty much, from an Aboriginal and Torres Strait Islander perspective, able to access throughcare. We were in the position where somebody would come into custody for one or two days and then they were able to access the throughcare. We have targeted it far more so that those people who actually need the service are assisted.*¹¹³¹

- 8.102 The Executive Director said that this meant that women who had served greater than 30 days and Aboriginal and Torres Strait Islander men who had served greater than 91 days in custody would be eligible whether they are on remand or sentenced and that men who did not identify as Aboriginal and Torres Strait Islander and who had served greater than 182 days in custody would be eligible.¹¹³²
- 8.103 According to the Executive Director, 'the system has changed so that we target those people who need the throughcare services'.¹¹³³
- 8.104 In response to a question asked by the Elected Body whether accommodation was a part of throughcare, the Executive Director stated:

*Accommodation is in terms of referral to appropriate providers. As we all know, achieving accommodation is extremely difficult for people. It is one of the services that we offer through the throughcare program in terms of attempting to identify appropriate providers for accommodation.*¹¹³⁴

- 8.105 In later discussion during the hearing, the Elected Body was advised that the Indigenous Transition Officer at the AMC had responsibility to manage all Aboriginal and Torres Strait Islander detainees though the question about the number currently in case management would be taken on notice. The Executive Director,

1127 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.167.

1128 Mr David Pryce, *Transcript of evidence*, 15 March 2018, pp.166–67.

1129 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.167.

1130 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.162.

1131 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.162.

1132 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.162.

1133 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.162.

1134 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.162.



ACT Corrective Services, also said that it is intended that the Indigenous Transition Officer would also start working with families and the community.¹¹³⁵

- 8.106 In its response to this Question Taken on Notice the directorate advised among other things that the Indigenous Throughcare Transition Officer 'does not manage a specific caseload of clients' and that the 'voluntary nature of the program dictates the number of people with whom throughcare staff are engaged at any one time'.¹¹³⁶

AMC—female detainees

- 8.107 In response to questions in relation to female detainees at the AMC, the Executive Director, ACT Corrective Services, told the Elected Body that in November 2017, all female detainees were moved to different accommodation at the AMC and this enabled the number of programs for them to be increased and their greater access to work and industries. He said that the AMC had recently achieved 100 per cent of eligible female detainees working for the first time. He said that various programs were provided for them, including counselling with Winnunga and a weekly yarnning circle for female Aboriginal and Torres Strait Islander detainees.¹¹³⁷ He also said that the Karralika therapeutic program that was currently available to male detainees 'would not be the most effective to deliver to female detainees'¹¹³⁸ but they were researching options that recognised a 'trauma-based background and criteria'.¹¹³⁹
- 8.108 With regard to mothers with a baby, the Executive Director said that the AMC had a facility to accommodate them but that it was 'very unlikely' that they would, due to the assessment of the risk to the child. He said that very stringent criteria were applied and that they worked 'extensively with child protection to assess those'.¹¹⁴⁰ However, he said that they did facilitate 'appropriate access to the baby' and that a risk assessment was in place. In addition, he said that negotiations were underway with New South Wales Corrections about the possibility of transferring female detainees to their purpose-built facility called Jacaranda House.¹¹⁴¹
- 8.109 The Director-General added that the AMC did have experience with female detainees who were pregnant, and there were options for their release and reconsideration of their parole conditions. She said that there had been examples of female detainees who breastfed but the number was small.¹¹⁴²
- 8.110 The Executive Director, ACT Corrective Services, noted that participation in programs across the AMC that are specific to Aboriginal and Torres Strait Islander detainees was 'exceptionally high'.¹¹⁴³

1135 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.168.

1136 Mr David Pryce, Response to Question Taken on Notice at hearings of 15 March 2018.

1137 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.171.

1138 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.172.

1139 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.172.

1140 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.172.

1141 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.172.

1142 Ms Alison Playford, *Transcript of evidence*, 15 March 2018, p.172.

1143 Mr Jon Peach, *Transcript of evidence*, 15 March 2018, p.173.



Elected Body comment

Summary

Written responses

- 8.111 Written responses by the Justice and Community Safety Directorate to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.
- 8.112 These included:
- the publication by the ACT Supreme Court of its Strategic Plan to Facilitate Access to the court for Aboriginal and Torres Strait Islander People in the ACT¹¹⁴⁴
 - recruitment of firefighters by the ESA through the IFARES program¹¹⁴⁵
 - ongoing involvement with the Aboriginal and Torres Strait Islander Justice Partnership¹¹⁴⁶
 - funding to establish a new Aboriginal Human Rights Program¹¹⁴⁷
 - funding for various community justice programs¹¹⁴⁸
 - proposed amendments to the *Magistrates Court Act 1930* to extend circle sentencing to children in 2018¹¹⁴⁹
 - the employment of Indigenous Guidance Partners through the Restorative Justice Program¹¹⁵⁰
 - the implementation of a new case management system by ACT Courts and Tribunal¹¹⁵¹
 - the engagement with community organisations including Gugan Gulwan and Winnunga Nimmityjah¹¹⁵²
 - various ACT Corrective Services programs, services and initiatives for Aboriginal and Torres Strait Islander detainees at the AMC and their families¹¹⁵³
 - the Justice Reinvestment Trial¹¹⁵⁴
 - the employment of 50 people who identified as having an Aboriginal and Torres Strait Islander background and the provision of 15 Identified positions¹¹⁵⁵
 - various professional development opportunities that are available for staff¹¹⁵⁶
 - the evaluation of the Extended Throughcare Program, an evaluation and cost benefit analysis of Galambany Court, an evaluation of Yarrabi Bamirr, and evaluations to be undertaken of the Ngurrumbai Bail Support Trial and of Restorative Justice Phase 1¹¹⁵⁷
 - the employment of a Senior Adviser Inclusion within the directorate¹¹⁵⁸

1144 JACS response to ATSIEB generic questions, December 2017, p.1.

1145 JACS response to ATSIEB generic questions, December 2017, p.1.

1146 JACS response to ATSIEB generic questions, December 2017, pp.1–2.

1147 JACS response to ATSIEB generic questions, December 2017, pp.3–4.

1148 JACS response to ATSIEB generic questions, December 2017, p.4.

1149 JACS response to ATSIEB generic questions, December 2017, p.6.

1150 JACS response to ATSIEB generic questions, December 2017, p.7.

1151 JACS response to ATSIEB generic questions, December 2017, p.9.

1152 JACS response to ATSIEB generic questions, December 2017, p.11.

1153 JACS response to ATSIEB generic questions, December 2017, p.11.

1154 JACS response to ATSIEB generic questions, December 2017, p.12.

1155 JACS response to ATSIEB generic questions, December 2017, p.14.

1156 JACS response to ATSIEB generic questions, December 2017, pp.15–17.

1157 JACS response to ATSIEB generic questions, December 2017, pp.20–21.

1158 JACS response to ATSIEB generic questions, December 2017, p.25.



- cultural awareness training was delivered to an additional 53 employees¹¹⁵⁹
- the engagement of CIT Yurauna to deliver training on 'working with Aboriginal offenders' to new Community Corrections Officers.¹¹⁶⁰

Responses in hearings

- 8.113 Matters which were considered in some detail in hearings included the following.
- 8.114 In relation to cultural awareness training, the Elected Body and representatives of the directorate discussed, among other things, different providers of training in cultural competency, the inclusion of cultural awareness in Custodial Officer training and the mandatory training schedule for senior officers at the AMC, and the celebration of days of significance to the Aboriginal and Torres Strait Islander community.¹¹⁶¹
- 8.115 In relation to the employment of Aboriginal and Torres Strait Islander people, the Elected Body and representatives of the directorate discussed, among other things, the employment of 47 staff who identified as Aboriginal and Torres Strait Islanders and the recruitment of Aboriginal and Torres Strait Islander firefighters.¹¹⁶²
- 8.116 In relation to diversionary programs, the Elected Body and representatives of the directorate discussed, among other things, the Restorative Justice Program, the Drivers' License program, the Yarrabi Bamirr Trial, the CBR NightCrew Program, the Bail Support Trial, the Front Up Service, the Interview Friend Service, the Galambany Court Support, the Outward Bound Program, the performance agreement contract with the Chief Police Officer, and work undertaken closely with ACT Policing on improving their diversionary models.¹¹⁶³
- 8.117 In relation to the Justice Reinvestment Program, the Elected Body and representatives of the directorate discussed, among other things, the streams of work and projects that were included in the program, the consultation that occurred, the timeframe for the development of the program, the evaluation to be undertaken of the Yarrabi Bamirr trials, the evaluation of the Galambany Circle Sentencing Court, and the evaluation of the Extended Throughcare Program.¹¹⁶⁴
- 8.118 In relation to culturally-appropriate service provision, the Elected Body and representatives of the directorate discussed, among other things, the inclusion of programs in the JACS Reconciliation Action Plan, training given to staff, the protocols for conducting various ceremonies, work being conducted by the courts with law schools, the incorporation of the Aboriginal caucus in the Justice Partnership, the importance of embedding changes in the organisational culture, having 16 identified positions across the directorate, and the recruitment of Aboriginal and Torres Strait Islander firefighters.¹¹⁶⁵
- 8.119 In relation to the design of community intervention and engagement strategies, the Elected Body and representatives of the directorate discussed, among other things, work by the directorate including ACT Corrective Services with Winnunga to design and deliver various services, the co-design of the Restorative Justice Program, and the involvement of government and Aboriginal and Torres Strait Islander representatives on the steering committee established for the Moss Review.¹¹⁶⁶
- 8.120 In relation to sustainable delivery models for coordinated support services, the Elected Body and representatives of the directorate discussed, among other things, the inclusion of designated positions for particular projects, the creation of a new Indigenous services coordinator position at the AMC, the

1159 JACS response to ATSIEB generic questions, December 2017, p.26.

1160 JACS response to ATSIEB generic questions, December 2017, p.27.

1161 *Transcript of evidence*, 15 March 2018, pp.146–48; 161.

1162 *Transcript of evidence*, 15 March 2018, pp.143–45; 148.

1163 *Transcript of evidence*, 15 March 2018, pp.148–50; 165.

1164 *Transcript of evidence*, 15 March 2018, pp.150–52.

1165 *Transcript of evidence*, 15 March 2018, pp.153–55.

1166 *Transcript of evidence*, 15 March 2018, pp.156–58.



employment of a permanent full-time Social Inclusion Officer in the directorate, and the directorate's Aboriginal and Torres Strait Islander staff network in addition to that of the ACT Public Service.¹¹⁶⁷

- 8.121 In relation to youth justice, the Elected Body and representatives of the directorate discussed, among other things, the use of 'ngattai' reports, the commencement date of the Warrambul Court for youth offenders, and the expertise or training to be required of panel members of the court.¹¹⁶⁸
- 8.122 In relation to the ACT Courts Cultural Diversity Committee Report Action Plan for Access to Courts for Aboriginal and Torres Strait Islander people in the ACT, the Elected Body and representatives of the directorate discussed, among other things, the publication of the report on the courts website and implementation of some components of the report's recommendations.¹¹⁶⁹
- 8.123 In relation to the Galambany Court, the Elected Body and representatives of the directorate discussed, among other things, a key finding of the evaluation of the court.¹¹⁷⁰
- 8.124 In relation to the Outward Bound Program, the Elected Body and representatives of the directorate discussed, among other things, the extension of the program to recruit sufficient numbers and the emphasis given to the cultural component of the program.¹¹⁷¹
- 8.125 In relation to Restorative Justice— participation and compliance, the Elected Body and representatives of the directorate discussed, among other things, that participation was a key to success and the possible inclusion of an Aboriginal and Torres Strait Islander convenor to increase the participation of Aboriginal and Torres Strait Islander young people.¹¹⁷²
- 8.126 In relation to arrangements for contacting families when there was an incident involving an Aboriginal and Torres Strait Islander detainee at the AMC, the Elected Body and representatives of the directorate discussed, among other things, the policy that was in place, improvements to security arrangements at the AMC, particularly in relation to CCTV coverage, and the appointment of a new Inspector of Correctional Services.¹¹⁷³
- 8.127 In relation to the impact of the use of methadone at the AMC, the Elected Body and representatives of the directorate discussed, among other things, the effect on daily operations due to complications, medical implications, participation in education and employment programs, the need to supervise the administration of methadone, the impact of ongoing methadone use on the employment prospects of detainees post-release, and a recent report of the Health Services Commissioner.¹¹⁷⁴
- 8.128 In relation to the Extended Throughcare Program at the AMC, the Elected Body and representatives of the directorate discussed, among other things, the evaluation of the program, changes made to the criteria to target the program at those who need it, and the referral of detainees who participate in the program to appropriate housing providers.¹¹⁷⁵
- 8.129 In relation to female detainees at the AMC, the Elected Body and representatives of the directorate discussed, among other things, the relocation of female detainees within the AMC in November 2017, the participation of female detainees including Aboriginal and Torres Strait Islander females in various programs at the AMC, the availability of facilities at the AMC to accommodate a mother with a baby, the importance of the assessment of the risk to the child, and experience at the AMC of detainees who were pregnant or who breastfed.¹¹⁷⁶

1167 *Transcript of evidence*, 15 March 2018, pp.159–60.

1168 *Transcript of evidence*, 15 March 2018, pp.164–65.

1169 *Transcript of evidence*, 15 March 2018, pp.168–69.

1170 *Transcript of evidence*, 15 March 2018, p.169.

1171 *Transcript of evidence*, 15 March 2018, pp.168–70.

1172 *Transcript of evidence*, 15 March 2018, p.170.

1173 *Transcript of evidence*, 15 March 2018, pp.162–64.

1174 *Transcript of evidence*, 15 March 2018, pp.166–67.

1175 *Transcript of evidence*, 15 March 2018, pp.162; 168.

1176 *Transcript of evidence*, 15 March 2018, pp.171–73.



Elected Body views and recommendations

- 8.130 The Elected Body notes the important work that is undertaken across the Justice and Community Safety Directorate to assist members of the Aboriginal and Torres Strait Islander community in the ACT. It notes that while this work can be complex that it is critically important especially given the over-representation of Aboriginal and Torres Strait Islander people in the justice system.
- 8.131 The Elected Body acknowledges that the work of the directorate in recent times has been progressed following the publication of the Moss Report and the sad and confronting events that triggered the inquiry. The Elected Body notes the work that has been undertaken by the directorate to implement the various recommendations of the Moss Report and the inclusion of representatives of the Aboriginal and Torres Strait Islander community in the governance structure.
- 8.132 The Elected Body also notes the work that is undertaken by the directorate to develop and implement programs in consultation with Aboriginal and Torres Strait Islander individuals and families, the Aboriginal and Torres Strait Islander community and Aboriginal and Torres Strait Islander-led organisations in the ACT to reduce the exposure of Aboriginal and Torres Strait Islander people to the justice system. It also notes the to support Aboriginal and Torres Strait Islander people who come into contact with all parts of the justice system, and to provide a range of culturally-appropriate programs to support Aboriginal and Torres Strait Islanders who are detained at the AMC.
- 8.133 Throughout the hearings, the Elected Body has sought to focus on the outcomes achieved through various programs, services and initiatives rather than the processes that are implemented. The Elected Body's view is that, at the end of the day, the outcomes achieved are what matter most of all. The assessment of the outcomes of interventions requires appropriate data collection arrangements to be in place and that evaluations are undertaken to assess effectiveness and to determine areas in which improvements can be made.
- 8.134 In this context, the Elected Body notes that the Yarabbi Bamirr Trial has commenced using 'a family-centric service support model to improve life outcomes and reduce, or prevent, contact with the criminal justice system'. As noted in the directorate's annual report, this trial seeks 'to identify and dismantle blocks in the justice and broader service systems and build an evidence-based understanding of the type of response required to improve outcomes for Aboriginal and Torres Strait Islander families at-risk'.¹¹⁷⁷
- 8.135 The Elected Body is pleased to learn through the inquiry process of the positive result reported from the evaluation of the Galambany Court and that a cost benefit analysis was undertaken to determine the whole-of-government costs and benefits rather than just the portfolio costs and benefits that are associated with the court.
- 8.136 The Elected Body also notes that an evaluation was undertaken of the Extended Throughcare Program and it found that the program contributed to the re-integration of prisoners and to a reduction in recidivism.¹¹⁷⁸ The Elected Body also notes the evaluation report's finding that stable and suitable housing was 'a key factor for the client to succeed' and that this is consistent with other research.¹¹⁷⁹

1177 *Justice and Community Safety Directorate Annual Report 2016-17*, p.28. See www.justice.act.gov.au/page/view/4047 [accessed 15 July 2018].

1178 'The Extended Throughcare Pilot Program Evaluation Report prepared by the Social Policy Research Centre (UNSW) was publicly released in March 2017. The Evaluation concludes that the program has been very effective in terms of outcomes across both qualitative and quantitative components of the evaluation. The UNSW suggests that, in relation to program impact, the return-to-custody episodes for clients have decreased and those returning to custody are remaining in the community for longer periods on average.' *Justice and Community Safety Annual Report 2016-17*, p.82. See www.justice.act.gov.au/page/view/4047 [accessed 15 July 2018].

1179 Research in Australia and internationally has shown that homelessness and accommodation instability are predictors of crime and of 'return to prison.' See Eileen Baldry, Desmond McDonnell, Peter Maplestone, Manu Peeters, 'Ex-Prisoners, Homelessness and the State in Australia', *Australian and New Zealand Journal of Criminology*, Vol. 39, Issue 1, 2006. See <http://journals.sagepub.com/doi/abs/10.1375/acri.39.1.20> [accessed 10 June 2018].



- 8.137 It is the Elected Body's view that the Extended Throughcare program can be particularly important for Aboriginal and Torres Strait Islander people given their over-representation among those detained at the AMC, their greater likelihood of being recidivists¹¹⁸⁰ and the particular difficulties that they encounter when seeking appropriate and affordable housing.
- 8.138 The Elected Body notes that the Extended Throughcare Program involves referrals of detainees to appropriate housing providers and that it was suggested during the evaluation that a better housing outcome for ex-prisoners could be achieved if the program ensured the allocation of housing as if it had access to a dedicated pool of housing stock.
- 8.139 In light of the above, the Elected Body makes the following recommendation:

RECOMMENDATION 19

- 8.140 **The Elected Body recommends that the Justice and Community Safety Directorate work with the Community Services Directorate on the provision of diversionary accommodation options and of post-release accommodation options for Aboriginal and Torres Strait Islander people who are released from the AMC to support their social re-integration.**
- 8.141 The Elected Body notes advice it was given during the hearings with representatives of ACT Health on 15 March 2018 that referrals have been made by Corrective Services to a program that had commenced at the Ngunnawal Bush Healing Farm. However the Elected Body is very concerned that current zoning regulations prevent the provision of a residential clinical alcohol and drug rehabilitation service at the Ngunnawal Bush Healing Farm despite the recognised need for such a service in the ACT. The Elected Body is aware that many detainees at the AMC have a history of alcohol and drug use and this is demonstrated by the number of detainees who are assisted at the AMC through the provision of Opioid Replacement Therapy.
- 8.142 It is the view of the Elected Body that the social re-integration of Aboriginal and Torres Strait Islander people post-release from the AMC would be improved if they were supported at the time of release to access an appropriate drug and alcohol treatment service.
- 8.143 In light of the above, the Elected Body makes the following recommendation:

RECOMMENDATION 20

- 8.144 **The Elected Body recommends that the Justice and Community Safety Directorate work with ACT Health to investigate options to provide culturally-appropriate drug and alcohol rehabilitation services for Aboriginal and Torres Strait Islander people released from the Alexander Maconochie Centre.**

¹¹⁸⁰ In *Prisoners in Australia 2017* the Australian Bureau of Statistics noted that at 30 June 2017 Aboriginal and Torres Strait Islander people comprised 21 per cent (95 prisoners) of the ACT adult prison population; that the 'Aboriginal and Torres Strait Islander age standardised imprisonment rate was 16 times more than the non-Indigenous imprisonment rate (1,703 prisoners per 100,000 Aboriginal and Torres Strait Islander adult population compared to 109 per 100,000 adult non-Indigenous population); and that across Australia 'Aboriginal and Torres Strait Islander prisoners were more likely than non-Indigenous prisoners to have experienced prior imprisonment (76 per cent compared to 49 per cent). ABS, *Prisoners in Australia 2017*, Cat. No. 4517.0, (released 8 December 2017), www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0-2017-Main%20Features-Australian%20Capital%20Territory-25 [accessed 10 June 2018].



9 ACT POLICING

Introduction

- 9.1 Representatives of ACT Policing appeared before the ATSIEB in hearings on 15 March 2018.
- 9.2 ACT Policing is the portfolio of the Australian Federal Police (AFP) responsible for providing policing services to the Australian Capital Territory.
- 9.3 The AFP's written responses to the Elected Body's generic questions and the testimony of witnesses at hearings are considered below.

Response to generic questions

- 9.4 In its written response to the Elected Body's generic questions the AFP did not answer each question in turn. Its response includes introductory information followed by additional text under three headings—ACT Aboriginal and Torres Strait Islander Agreement; Culture and diversity; and Restorative justice and outcomes.
- 9.5 In its response to the Elected Body's generic questions the AFP indicated that:
- The commitment of ACT Policing to 'improving life outcomes for Aboriginal and Torres Strait Islander people in the ACT' is demonstrated through—the Ministerial Direction, the Purchase Agreement, the employment of dedicated Indigenous Community Liaison Officers, and other strategies.¹¹⁸¹
 - ACT Policing recognises that to develop effective justice responses ongoing engagement and consultation with the Aboriginal and Torres Strait Islander community is imperative.¹¹⁸²
 - The over-representation of Aboriginal and Torres Strait Islanders in the justice system 'is a complex social issue not limited to the ACT'.¹¹⁸³
 - The ACT Chief Police Officer held a public forum in October 2017 to discuss matters of concern to the Aboriginal and Torres Strait Islander community in the ACT. Another forum was scheduled for December 2017.¹¹⁸⁴

ACT Aboriginal and Torres Strait Islander Agreement

- 9.6 In its written response to the Elected Body's generic questions, the AFP provided information in relation to the ACT Aboriginal and Torres Strait Islander Agreement which indicated that:
- Members of ACT Policing are encouraged to familiarise themselves with the Agreement.¹¹⁸⁵
 - ACT Policing is developing an internal Implementation Plan and Community Engagement Strategy with the Aboriginal and Torres Strait Islander community. The 'action focus will be on community engagement, policy settings and thresholds, and internal ACTP culture'.¹¹⁸⁶

¹¹⁸¹ AFP response to ATSIEB generic questions, December 2017, p.1.

¹¹⁸² AFP response to ATSIEB generic questions, December 2017, p.1.

¹¹⁸³ AFP response to ATSIEB generic questions, December 2017, p.1.

¹¹⁸⁴ AFP response to ATSIEB generic questions, December 2017, p.1.

¹¹⁸⁵ AFP response to ATSIEB generic questions, December 2017, p.1.

¹¹⁸⁶ AFP response to ATSIEB generic questions, December 2017, p.2.

- Aboriginal Liaison Officers (ALO) 'are an important link between police and the community'. They meet regularly with Gugan Gulwan Youth Aboriginal Corporation, Winnunga Nimmityjah Aboriginal Health Service, and with members of the Aboriginal and Torres Strait Islander community.¹¹⁸⁷

Culture and diversity

9.7 In its written response to the Elected Body's generic questions, the AFP provided information in relation to culture and diversity which indicated that:

- The Diversity and Inclusion Strategy of the AFP includes targeted initiatives to 'enhance opportunity to succeed in careers in the AFP'.¹¹⁸⁸
- The AFP has a current recruitment priority to increase the FTE of Aboriginal and Torres Strait Islanders.¹¹⁸⁹
- All leadership roles in the AFP 'have a requirement to understand the principles and application of inclusion and diversity'.¹¹⁹⁰
- The Directions Program Traineeship is 'a targeted recruitment strategy to encourage Aboriginal and Torres Strait Islanders to consider AFP as a career choice'. Eighteen participants are included in the cohort for 2018.¹¹⁹¹
- All Aboriginal and Torres Strait Islander appointees are offered membership of the Malunggang Indigenous Officers Network (MION) which offers 'peer support and mentoring, advice and career guidance and encourages involvement in events and activities and interaction with other Aboriginal and Torres Strait Islander appointees'.¹¹⁹²
- The first cultural training sessions were delivered in August 2017.¹¹⁹³
- ACT Policing has 13 members (1.5 per cent) who identify as Aboriginal or Torres Strait Islander — eight male and five female. One is at team leader level and the remaining 12 are team members.¹¹⁹⁴
- ACT Policing has two dedicated positions for Aboriginal Liaison Officer roles.¹¹⁹⁵
- In 2016–17, \$5,000 (0.2 per cent) of the ACT Policing budget was allocated to Aboriginal or Torres Strait Islander programs.¹¹⁹⁶

Restorative justice and outcomes

9.8 In its written response to the Elected Body's generic questions, the AFP provided information in relation to restorative justice and outcomes which indicated that:

- The principles and practice of inclusion and diversity is integrated in learning and development programs.¹¹⁹⁷
- The current ALO has developed 'respectful relationships with members of the Aboriginal and Torres Strait Islander community'.¹¹⁹⁸

1187 AFP response to ATSIIEB generic questions, December 2017, p.2.

1188 AFP response to ATSIIEB generic questions, December 2017, p.2.

1189 AFP response to ATSIIEB generic questions, December 2017, p.2.

1190 AFP response to ATSIIEB generic questions, December 2017, p.2.

1191 AFP response to ATSIIEB generic questions, December 2017, pp.2–3.

1192 AFP response to ATSIIEB generic questions, December 2017, p.3.

1193 AFP response to ATSIIEB generic questions, December 2017, p.3.

1194 AFP response to ATSIIEB generic questions, December 2017, p.3.

1195 AFP response to ATSIIEB generic questions, December 2017, p.3.

1196 AFP response to ATSIIEB generic questions, December 2017, p.3.

1197 AFP response to ATSIIEB generic questions, December 2017, p.4.

1198 AFP response to ATSIIEB generic questions, December 2017, p.4.



- ACT Policing's policy is to refer all eligible Aboriginal and Torres Strait Islander offenders to restorative justice. This policy is under review.¹¹⁹⁹
- ACT Policing is working with its partners 'to identify options for increased diversion and community-based referrals'.¹²⁰⁰

Hearings

9.9 ACT Policing appeared before the ATSIEB in hearings on 15 March 2018.

Matters considered

9.10 Matters considered by the Elected Body over the course of the hearings in relation to ACT Policing included:

- diversionary programs¹²⁰¹
- engagement with youth¹²⁰²
- cultural awareness training¹²⁰³
- domestic violence¹²⁰⁴
- compliance with Royal Commission into Aboriginal Deaths in Custody recommendations¹²⁰⁵
- ACT Watch House procedures.¹²⁰⁶

Key issues

Diversionary programs

- 9.11 The Elected Body asked representatives of ACT Policing whether non-Indigenous offenders were offered any diversionary programs that were not being accessed by Aboriginal and Torres Strait Islanders.¹²⁰⁷
- 9.12 The Assistant Commissioner and Chief Police Officer advised that ACT Policing is not responsible for delivering diversionary strategies in the ACT but works closely with those programs. She said that there was scope to develop more diversionary strategies aimed at youth that are culturally-appropriate.¹²⁰⁸
- 9.13 The Assistant Commissioner also advised that ACT Policing supports a number of diversionary programs including:
- Police Community Youth Club (PCYC) program—ACT Policing directly funds this program and about 24 per cent of participants are Aboriginal and Torres Strait Islanders¹²⁰⁹
 - Front Up Program—which supports Aboriginal and Torres Strait Islanders to meet bail and court conditions¹²¹⁰

1199 AFP response to ATSIEB generic questions, December 2017, p.4.

1200 AFP response to ATSIEB generic questions, December 2017, p.4.

1201 *Transcript of evidence*, 15 March 2018, pp.174–75; 176; 179.

1202 *Transcript of evidence*, 15 March 2018, pp.175–76.

1203 *Transcript of evidence*, 15 March 2018, pp.177–78.

1204 *Transcript of evidence*, 15 March 2018, p.179.

1205 *Transcript of evidence*, 15 March 2018, pp.379; 182.

1206 *Transcript of evidence*, 15 March 2018, p.181.

1207 ATSIEB, *Transcript of evidence*, 15 March 2018, p.174.

1208 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.174.

1209 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.174.

1210 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.174.



- Youth Liaison Officer in community safety¹²¹¹
 - Restorative Justice Program¹²¹²
 - Directions Program traineeship—which is ‘critically important’ in terms of engagement¹²¹³
 - Aboriginal Liaison Officers.¹²¹⁴
- 9.14 In relation to the representation of Aboriginal and Torres Strait Islanders in mainstream services the Commander and Deputy Chief Police Officer advised that there had been a 100 per cent increase in the number of Aboriginal and Torres Strait Islanders referred to the restorative justice program for diversionary conferences between 2016 and 2017, i.e. an increase from eight to 16.¹²¹⁵
- 9.15 In a response to a question asked by the Elected Body whether other directorates are able to assist with the diversionary process for youth, the Assistant Commissioner referred to a whole-of-government commitment ‘to making sure we have the right diversionary programs’ though there may be a benefit in better coordination of efforts.¹²¹⁶
- 9.16 She also told the Elected Body that ACT Policing works very closely with JACS. The Commander then referred to formal mechanisms including membership of committees.¹²¹⁷
- 9.17 In later discussion the Assistant Commissioner told the Elected Body that:
- ... if we can support the implementation of diversionary strategies that are going to work for our youth, you will have my full support in doing what I can within my position to make that happen.*¹²¹⁸

Engagement with youth

- 9.18 The Assistant Commissioner advised the Elected Body that ‘the key’ program that ACT Policing directly supports for Aboriginal and Torres Strait Islander youth is the PCYC program, though she did not have tangible evidence of its success.¹²¹⁹
- 9.19 The Commander added that in 2017 ACT Policing commissioned a company to assist with a project on ACT Policing’s engagement with youth, though it was not focused specifically on Aboriginal and Torres Strait Islanders.¹²²⁰
- 9.20 The Assistant Commissioner said that the community expected ‘more face-to-face engagement’ and that requires more investment and more people.¹²²¹

1211 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.175.

1212 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.175.

1213 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.175.

1214 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.175.

1215 Commander Mark Walters, *Transcript of evidence*, 15 March 2018, p.175.

1216 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.175.

1217 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.176.

1218 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.179.

1219 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, pp.175–76.

1220 Commander Mark Walters, *Transcript of evidence*, 15 March 2018, p.176.

1221 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.176.



Cultural awareness training

- 9.21 The Assistant Commissioner told the Elected Body that in the past cultural awareness training was 'predominantly pulled together' by the MION group within the AFP and that in July–August 2017, 150 frontline officers in the ACT were trained. She said that the training was very generic but since then the two-day triple I program—which focuses on bias and culture—had been developed and the whole senior group had undertaken that program.¹²²² In addition, she said that locally-based cultural awareness training was being developed for the whole organisation and she wanted to partner with the local community to deliver that program.¹²²³
- 9.22 The Assistant Commissioner also said that all senior executive participate in community forums¹²²⁴ and the Commander then referred to participation in other events such as Reconciliation Day and during NAIDOC Week.¹²²⁵

Domestic violence

- 9.23 The Assistant Commissioner advised that ACT Policing did not include an Aboriginal and Torres Strait Islander working directly in its domestic violence team, though a female ALO supports families involved in domestic violence. She said that based on what was known about the risk of domestic violence in the community, that would be an area of focus if a bid for funds was successful.¹²²⁶

Compliance with Royal Commission into Aboriginal Deaths in Custody recommendations

- 9.24 The Elected Body was interested to know the status of ACT Policing's response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody and whether it was compliant.¹²²⁷
- 9.25 In the update that the Assistant Commissioner provided the Elected Body about this she made a number of points including:
- Of the 77 recommendations that were relevant to ACT Policing, 46 had been fully implemented, 25 are in progress, and five have not or are yet to be implemented.¹²²⁸
 - All of the recommendations that had been fully implemented were embedded in policies, practices and procedures.¹²²⁹
 - The five recommendations which had not been implemented include:
 - Recommendation 129—the use of breath analysis to test the blood alcohol levels at the intake of Aboriginal persons who are detained and charged with public drunkenness. This is not followed 'because there is no offence of drunkenness in the ACT'.¹²³⁰ The Assistant Commissioner said that it is difficult to ascertain whether someone is intoxicated from alcohol or is drug-affected or both, and that nursing staff are available to ensure that they are treated appropriately.¹²³¹

1222 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, pp. 177–78.

1223 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.177.

1224 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.178.

1225 Commander Mark Walters, *Transcript of evidence*, 15 March 2018, p.178.

1226 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.179.

1227 ATSIB, *Transcript of evidence*, 15 March 2018, p.179.

1228 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.180.

1229 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.180.

1230 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.180.

1231 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.180.



- Recommendation 142 — the discontinuation of use of padded cells. ACT Policing had retained this secondary option to minimise the risk of a detained person seriously hurting themselves. The Assistant Commissioner said that watch house procedures and facilities had been reviewed and upgraded and that technology allowed for better surveillance of people in a padded cell.¹²³²
- Recommendation 144 — the upgrade of the watch house facility. This is underway.¹²³³
- Recommendation 149 — flexible custody arrangements, including detainees' ability to sit with family members.¹²³⁴ The current watch house facilities do not allow this but 'box visits' are facilitated.¹²³⁵
- Recommendation 230 — providing bridging courses to allow Aboriginal persons to pass recruitment intakes. While ACT Policing does not offer bridging courses it has the directions traineeship which 'has been quite an effective program'.¹²³⁶

ACT Watch House procedures

9.26 During discussion a question asked by the Elected Body about arrangements for inspection of the ACT Watch House and the procedures it has in place was taken on notice¹²³⁷ though the Assistant Commissioner pointed out that the policy of ACT Policing is to contact an Aboriginal friend when an Aboriginal or Torres Strait Islander was in custody.¹²³⁸

9.27 The response to this Question Taken on Notice stated:

Every individual being lodged at the ACT Watch House is asked if they identify as Aboriginal or Torres Strait Islander, as part of the detailed intake process. If they do, ACT Policing notifies Aboriginal Legal Service (ALS).

The ACT Watch House can make contact with an official "interview friend" if the person in custody agrees to participate in a record of interview.

In addition to contact with ALS and interview friends, where it is feasible, any person in custody may make arrangements to request a visitor. Watch House staff can also contact ACT Policing's Aboriginal Liaison Officer for additional support.¹²³⁹

1232 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.181.

1233 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.181.

1234 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.182.

1235 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.182.

1236 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.182.

1237 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.181.

1238 Assistant Commissioner Justine Saunders, *Transcript of evidence*, 15 March 2018, p.181.

1239 Response to Question Taken on Notice at hearings of 15 March 2018.



Elected Body comment

Summary

Written responses

- 9.28 Written responses by the Australian Federal Police to the Elected Body's generic questions provided details of ACT Policing's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.
- 9.29 These included:
- recognition of the need for ongoing engagement and consultation with the Aboriginal and Torres Strait Islander community¹²⁴⁰
 - the conduct of a public forum to discuss matters of concern to the Aboriginal and Torres Strait Islander community¹²⁴¹
 - the development of an internal Implementation Plan for the ACT Aboriginal and Torres Strait Islander Agreement and a Community Engagement Strategy with the Aboriginal and Torres Strait Islander community¹²⁴²
 - the work of Aboriginal Liaison Officers¹²⁴³
 - the AFP's current recruitment priority to increase the FTE of Aboriginal and Torres Strait Islanders¹²⁴⁴
 - the Directions Program Traineeship¹²⁴⁵
 - membership of the Malunggang Indigenous Officers Network¹²⁴⁶
 - employment in ACT Policing of 13 people who identify as Aboriginal and Torres Strait Islanders¹²⁴⁷
 - the development of respectful relationships with the Aboriginal and Torres Strait Islander community¹²⁴⁸
 - ACT Policing is working with its partners to identify options for increased diversion and community-based referrals.¹²⁴⁹

Responses in hearings

- 9.30 Matters which were considered in some detail in hearings included the following.
- 9.31 In relation to diversionary programs, the Elected Body and representatives of ACT Policing discussed, among other things, that ACT Policing is not responsible for delivering diversionary strategies in the ACT, the support that ACT Policing gives to a number of diversionary programs, an increase in the number of Aboriginal and Torres Strait Islanders referred to the restorative justice program, and ACT Policing's willingness to support for diversionary strategies that would work for youth.¹²⁵⁰
- 9.32 In relation to engagement with youth, the Elected Body and representatives of ACT Policing discussed, among other things, the PCYC Program, a project on ACT Policing's engagement with youth, and community expectations for face-to-face engagement.¹²⁵¹

1240 AFP response to ATSIEB generic questions, December 2017, p.1.

1241 AFP response to ATSIEB generic questions, December 2017, p.1.

1242 AFP response to ATSIEB generic questions, December 2017, p.2.

1243 AFP response to ATSIEB generic questions, December 2017, p.2.

1244 AFP response to ATSIEB generic questions, December 2017, p.2.

1245 AFP response to ATSIEB generic questions, December 2017, pp.2–3.

1246 AFP response to ATSIEB generic questions, December 2017, p.3.

1247 AFP response to ATSIEB generic questions, December 2017, p.3.

1248 AFP response to ATSIEB generic questions, December 2017, p.4.

1249 AFP response to ATSIEB generic questions, December 2017, p.4.

1250 *Transcript of evidence*, 15 March 2018, pp.174–76; 179.

1251 *Transcript of evidence*, 15 March 2018, pp.175–76.



- 9.33 In relation to cultural awareness training, the Elected Body and representatives of ACT Policing discussed, among other things, the provision of generic training, the development of locally-based cultural awareness training and participation of senior executives in community forums and events.¹²⁵²
- 9.34 In relation to domestic violence, the Elected Body and representatives of ACT Policing discussed, among other things, the work of a female ALO to support families involved in domestic violence.¹²⁵³
- 9.35 In relation to compliance with Royal Commission into Aboriginal Deaths in Custody recommendations, the Elected Body and representatives of ACT Policing discussed, among other things, that 46 out of 77 recommendations had been fully implemented and were embedded in policies, practices and procedures, that the implementation of 25 recommendations was in progress, and information about the five recommendations which had not been implemented.¹²⁵⁴
- 9.36 In relation to ACT Watch House procedures, the Elected Body and representatives of ACT Policing discussed, among other things, the policy to contact an Aboriginal friend when an Aboriginal and Torres Strait Islander person was in custody.¹²⁵⁵

Elected Body views and recommendations

- 9.37 The Elected body notes the willingness of ACT Policing to engage with the Aboriginal and Torres Strait Islander community in the ACT and that it sees that engagement as imperative in the development of effective justice responses.
- 9.38 The Elected Body considers the employment of dedicated Aboriginal Liaison Officers by ACT Policing to be of fundamental importance in developing and maintaining constructive relationships with members of the Aboriginal and Torres Strait Islander community.
- 9.39 It is the view of the Elected Body that relationships between ACT Policing and the Aboriginal and Torres Strait Islander community may be further enhanced if a greater focus could be directed to developing standards and raising awareness within ACT Policing in relation to culturally-appropriate service provision when engaging with Aboriginal and Torres Strait Islander people in the community.
- 9.40 The Elected Body notes that while ACT Policing may not have responsibility for diversionary programs in the ACT it plays a key role in supporting the delivery of diversionary programs that are the responsibility of others.
- 9.41 The Elected Body notes that ACT Policing has reported that in 2016–17 it had met its 'target of referring 100 per cent of all offenders to restorative justice and exceeded its target for the number of referrals to drug-diversion programs'¹²⁵⁶ and that it heard during the hearing that there had been a 100 per cent increase in the number of Aboriginal and Torres Strait Islander people who had been referred to the Restorative Justice program. However, it is the Elected Body's view that the number of Aboriginal and Torres Strait Islander people who have been referred to the latter programs appear low and it would be pleased if a way could be found for the number of referrals to increase further.
- 9.42 It is view of the Elected Body that diversionary programs should be utilised wherever possible to reduce the contact that Aboriginal and Torres Strait Islander people have with the 'hard end' of the justice system and that full advantage should be taken of both Indigenous-specific and mainstream diversionary opportunities to do so.

1252 *Transcript of evidence*, 15 March 2018, pp.177–78.

1253 *Transcript of evidence*, 15 March 2018, p.179.

1254 *Transcript of evidence*, 15 March 2018, pp.179–82.

1255 *Transcript of evidence*, 15 March 2018, p.181.

1256 *ACT Policing Annual Report 2016–17*, p.2 See <https://police.act.gov.au/sites/default/files/PDF/ACTPAnnualReport2016-17.pdf> [accessed 15 July 2018].

10 ACT HUMAN RIGHTS COMMISSION



Introduction

- 10.1 Representatives of the ACT Human Rights Commission (the Commission) appeared before the ATSIEB in hearings on 15 March 2018.
- 10.2 The Commission's written responses to the Elected Body's generic questions and the testimony of witnesses at hearings are considered below.

Responses to generic questions

1 Equitable access and increased impact

- 10.3 In its written response to the Elected Body's first generic question the Commission indicated that:
 - It 'is committed to improving the accessibility of our services for Aboriginal and Torres Strait Islander peoples in the ACT' and advocates for consideration of 'the human rights of Aboriginal and Torres Strait Islander peoples' in 'government policy development and service delivery'.¹²⁵⁷
 - In 2016–17, the Commission commenced the 'Breathing life into cultural rights' project 'to promote the cultural rights now protected in s 27(2) of the *Human Rights Act 2004* to the Aboriginal and Torres Strait Islander communities and to inform Public Authorities about their obligations to respect these rights'. A person was recruited to an identified position to lead this project in conjunction with the Commission's Human Rights legal policy team.¹²⁵⁸
 - The project involved talking with Aboriginal and Torres Strait Islander peoples about their rights and the services offered by the Commission.¹²⁵⁹

2 Implementation of the ACT Aboriginal and Torres Strait Islander Agreement

- 10.4 In its written response to the Elected Body's second generic question the Commission indicated that:
 - it 'strongly supports the Aboriginal and Torres Strait Islander Agreement and is implementing the principles and initiatives' through its *Innovate Reconciliation Action Plan (RAP) 2015–2018*.¹²⁶⁰

¹²⁵⁷ ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.1.

¹²⁵⁸ ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.1.

¹²⁵⁹ ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.1.

¹²⁶⁰ ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.1.

3 Aboriginal and Torres Strait Islander organisations and community

10.5 In its written response to the Elected Body's third generic question the Commission indicated that:

- Its RAP has a specific focus on developing relationships and working in partnership with Aboriginal and Torres Strait Islander organisations.¹²⁶¹
- During 2016–17, the Commission undertook the following actions and participated in the following community events:
 - on 13 September 2016, the Commission partnered with the Elected Body to host a film screening of *Putuparri and the Rainmakers* at the National Film and Sound Archive to commemorate the ninth anniversary of the UNDRIP, this was attended by about 150 people¹²⁶²
 - on 27 March 2017, the Commission headed an ACT delegation, including the Aboriginal and Torres Strait Islander Elected Body, that met with the UN Special Rapporteur on the Rights of Indigenous Peoples Ms Tauli-Corpuz¹²⁶³
 - joined in the NAIDOC Family Day celebrations on 3 July 2016, the Wreck Bay NAIDOC Carnival on 4 July 2016, the NAIDOC Family Day at the Alexander Maconochie Centre (AMC) on 11 July 2016, and the NAIDOC Ball¹²⁶⁴
 - arranged for Ms Matilda House to speak at a Commission staff meeting about her history and Aboriginal culture¹²⁶⁵
 - participated in the Sorry Day Bridge Walk on 26 May 2017 and raised funds for the Indigenous Literacy Foundation during Reconciliation Week¹²⁶⁶
 - partnered with the JACS RAP Committee to raise funds for National Close the Gap Day on 16 March 2017 which included screening the documentary film *Footprints on Our Land*¹²⁶⁷
 - continued to visit the Jervis Bay Territory (JBT) to meet and talk with children and young people, the Wreck Bay Aboriginal Community Council, community Elders, service providers and the Wreck Bay and Jervis Bay communities.¹²⁶⁸
- The Public Advocate and Children and Young People Commissioner (PACYPC) 'undertook a series of consultations with Aboriginal young people . . . about the extent to which their cultural needs were supported and enhanced in the course of their care experience'.¹²⁶⁹
- The PACYPC 'continues to work closely with Gugan Gulwan to improve the cultural awareness and cultural competency of non-government agencies providing services for Aboriginal and Torres Strait Islander families under the new *A Step Up for Our Kids* out of home care strategy'.¹²⁷⁰

1261 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.1.

1262 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.1.

1263 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.

1264 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.

1265 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.

1266 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.

1267 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.

1268 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.

1269 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.

1270 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.



4 Increased knowledge of the Agreement amongst staff

10.6 In its written response to the Elected Body's fourth generic question the Commission indicated that:

*The Commission has informed all staff of the Agreement through emails and has discussed the Agreement regularly in its RAP Committee meetings. The RAP Committee includes senior staff from all areas of the Commission.*¹²⁷¹

5 Aboriginal and Torres Strait Islander staffing profile

10.7 In its written response to the Elected Body's fifth generic question the Commission indicated that:

- During 2016–17, it employed an identified Project Officer to lead the Breathing Life into Cultural Rights project, and recruited to fill an identified Aboriginal and Torres Strait Islander Victim Liaison Officer position within Victim Support ACT.¹²⁷²

6 Aboriginal and Torres Strait Islander leadership

10.8 In its written response to the Elected Body's sixth generic question the Commission indicated that:

*The Commission advertises all new positions including senior positions through Aboriginal and Torres Strait Islander media, and we include Aboriginal and Torres Strait Islander members on interview panels wherever possible.*¹²⁷³

7 Management positions

10.9 The Commission did not provide a written response to the Elected Body's seventh generic question.¹²⁷⁴

8 Focused and effective services

10.10 In its written response to the Elected Body's eighth generic question the Commission indicated that:

- it 'is committed to improving access for Aboriginal and Torres Strait Islander peoples' to its complaints services and collects information to monitor its performance against key performance indicators in the RAP.

10.11 The Commission also advised that during 2016–17:

- It received 47 complaints and enquiries from people who identified as Aboriginal and Torres Strait Islanders. Eight of these were converted to formal complaints.¹²⁷⁵
- Only one of these eight complaint participants provided feedback through the Commission's evaluation process — while not satisfied with the outcome of the complaint, this complainant found the complaint process to be accessible.¹²⁷⁶
- Conciliation was attempted in relation to seven complaints involving complainants who identified as Aboriginal or Torres Strait Islanders.¹²⁷⁷
- Twenty (5.16 per cent) of 346 new registered clients in Victim Support identified as Aboriginal and Torres Strait Islander and 2.7 per cent of applicants under the Victims of Crime Financial Assistance Scheme identified as Aboriginal and Torres Strait Islander.¹²⁷⁸

1271 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.

1272 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.3.

1273 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.3.

1274 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.3.

1275 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.3.

1276 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.4.

1277 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.4.

1278 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.4.



10.12 The Commission also advised that it sought to improve accessibility through the employment of an identified Aboriginal and Torres Strait Islander Victim Liaison Officer.¹²⁷⁹

9 Effective policy development and policy impact

10.13 In its written response to the Elected Body's ninth generic question the Commission indicated that:

The Commission advocates for Aboriginal and Torres Strait Islander rights in a range of ways, including in public submissions, such as our submission to the Inquiry into the Treatment in Custody of detainee Steven Freeman, and our advocacy for 'Gladue' type background reports for Aboriginal and Torres Strait Islander families to assist magistrates to better understand cultural issues and other factors in care and protection matters.

The Commission also provides confidential comments on draft Cabinet submissions and regularly reinforce the importance of consideration of cultural rights, which have resulted in improvements to policy proposals and draft legislation.¹²⁸⁰

10 Budget allocations to programs, services and clients

10.14 In its written response to the Elected Body's tenth generic question the Commission indicated that:

While it is not possible to determine an exact budget allocation in our small organisation, a significant portion of the Commission's staff time during the year, as reflected in previous answers, has been spent consulting and progressing issues raised by the Aboriginal and Torres Strait Islander Community.¹²⁸¹

11 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff

10.15 In its written response to the Elected Body's eleventh generic question the Commission indicated that:

In this financial year, the Commission has supported our Aboriginal staff member to attend the Muranga Muranga Aboriginal network, caucus and to develop informal support networks with Aboriginal and Torres Strait Islander staff within the directorate and OATSIA.¹²⁸²

12. Aboriginal and Torres Strait Islander cultural awareness training

10.16 In its written response to the Elected Body's twelfth generic question the Commission indicated that:

The Commission requires all permanent staff, including senior staff, to undertake Aboriginal and Torres Strait Islander cultural awareness training. No new staff have undertaken formal cultural awareness training... in the last financial year, but staff have attended a range of events... We have identified the need for formal training and in the current financial year have arranged cultural awareness training for those who have not yet attended, as well as an on-country cultural experience and smoking ceremony for all Commission staff.¹²⁸³

1279 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.4.

1280 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.4.

1281 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, pp.4-5.

1282 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.5.

1283 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.5.



13 Building on knowledge obtained through cultural awareness training

10.17 In its written response to the Elected Body's thirteenth generic question the Commission indicated that:

*The Commission continues to build upon the knowledge of staff through the participation in a range of community events (detailed above) through inviting speakers ... to speak and share knowledge with us.*¹²⁸⁴

Hearings

10.18 The Commission appeared before the ATSIEB in hearings on 15 March 2018.

Matters considered

10.19 Matters considered by the Elected Body over the course of the hearings in relation to the Commission included:

- work on behalf of children in care and protection¹²⁸⁵
- community engagement¹²⁸⁶
- advice to improve service delivery.¹²⁸⁷

Key issues

Work on behalf of children in care and protection

10.20 The Public Advocate and Children and Young People Commissioner said she was aware of the over-representation of Aboriginal and Torres Strait Islander children in care and protection systems but also the need for those systems to be responsive to the needs of children and young people and their families.¹²⁸⁸

10.21 The Public Advocate and Children and Young People Commissioner advised that she had worked with other stakeholders to develop a strategy to respond to systemic issues and brought all the non-government agencies involved in the care and protection system to see how 'to improve their cultural competency and ... their responsiveness to ensuring the cultural safety of the children and young people in care and with their engagement with the families of those children and young people'.¹²⁸⁹ She said that the Elected Body and government had been included in discussions.¹²⁹⁰

10.22 The Public Advocate and Children and Young People Commissioner expressed the view that it was 'a solid process' that was 'making some gains ... working toward a more cohesive system'.¹²⁹¹

10.23 The Public Advocate and Children and Young People Commissioner also said that in her 'everyday role' she is engaged with the community, hears from people who would like advocacy support, and works with the community to identify the best way to respond to the matters they raise.¹²⁹²

1284 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.5.

1285 *Transcript of evidence*, 15 March 2018, pp.183–84.

1286 *Transcript of evidence*, 15 March 2018, pp.184–86.

1287 *Transcript of evidence*, 15 March 2018, pp.186–88.

1288 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.183.

1289 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.183.

1290 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.183.

1291 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.184.

1292 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.184.



10.24 The Public Advocate and Children and Young People Commissioner also told the Elected Body that she and the Human Rights Commission had submitted a joint letter to the Community Services Directorate advocating for the use of 'Gladue-type reports in care and protection matters'. She said that:

It came up out of looking at what the nature and basis of those reports are and their function: to generate a level of understanding about the person, the impact that they have experienced and things that they have experienced throughout their lives—to ideally take that into account, as well as to take the intergenerational impact of things that they have experienced within their family and community circles into account in care and protection matters. Unfortunately it has not yet been actioned, but it is certainly something we retain on our radar.¹²⁹³

Community engagement

10.25 During discussion the President and Human Rights Commissioner spoke to the Elected Body about various community engagement events during the year. These included:

- celebrating the UN Declaration of the Rights of Indigenous People with the Elected Body in 2017 through Zach's Ceremony at Old Parliament House followed by the SNAICC conference¹²⁹⁴
- recruiting two Aboriginal officers, both on contract¹²⁹⁵
- the Breathing the Life into section 27(2) project¹²⁹⁶
- NAIDOC Family Day¹²⁹⁷
- participation in the Sorry Day bridge walk in May each year¹²⁹⁸
- inviting Elders to staff meetings¹²⁹⁹
- events on Close the Gap Day¹³⁰⁰
- fundraising in NAIDOC Week¹³⁰¹
- a smoking ceremony was held at the Commission¹³⁰²
- conduct of yarning circles for women at the AMC each fortnight by the Aboriginal Liaison Officer in Victims Services, with plans to conduct a separate circle for men¹³⁰³
- attendance at the Sorry Day apology concert.¹³⁰⁴

10.26 The Public Advocate and Children and Young People Commissioner told the Elected Body that she had consulted directly with Aboriginal young people who had experience in the care and protection system to get information in their words 'about what that experience was like, the things that they would like to see improved and the things that they felt were a strength within that system' and the information received was

1293 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.184.

1294 Dr Helen Watchirs, *Transcript of evidence*, 15 March 2018, p.184.

1295 Dr Helen Watchirs, *Transcript of evidence*, 15 March 2018, p.185.

1296 Dr Helen Watchirs, *Transcript of evidence*, 15 March 2018, p.185.

1297 Dr Helen Watchirs, *Transcript of evidence*, 15 March 2018, p.185.

1298 Dr Helen Watchirs, *Transcript of evidence*, 15 March 2018, p.185.

1299 Dr Helen Watchirs, *Transcript of evidence*, 15 March 2018, p.185.

1300 Dr Helen Watchirs, *Transcript of evidence*, 15 March 2018, p.185.

1301 Dr Helen Watchirs, *Transcript of evidence*, 15 March 2018, p.185.

1302 Dr Helen Watchirs, *Transcript of evidence*, 15 March 2018, p.185.

1303 Dr Helen Watchirs, *Transcript of evidence*, 15 March 2018, p.185.

1304 Dr Helen Watchirs, *Transcript of evidence*, 15 March 2018, p.185.



used to inform a presentation at the Child Aware Approaches Conference in Brisbane.¹³⁰⁵ She also told the Elected Body that three of those young people co-presented with her at the SNAICC Conference in 2017.¹³⁰⁶

- 10.27 The Public Advocate and Children and Young People Commissioner said that she had prepared a 'snapshot' of the views expressed by the children and young people as well as a Powerpoint presentation which clustered their views around the five elements of the child placement principle. Following a suggestion from the Elected Body, the Public Advocate said that she would provide it to the chair of the *Our Booris, Our Way* review.¹³⁰⁷
- 10.28 The Public Advocate and Children and Young People Commissioner also told the Elected Body that she had been invited and agreed to launch the event for Tjillari Justice's bill of rights on the children of parents inside.¹³⁰⁸

Advice to improve service delivery

- 10.29 The Elected Body asked representatives about advice that it had provided to the government to improve service delivery to Aboriginal and Torres Strait Islander people.¹³⁰⁹
- 10.30 In her response, the Public Advocate and Children and Young People Commissioner said that advice was provided in two ways—through involvement with individual matters and by highlighting concerns, particularly in terms of the content and implementation of cultural plans. She said that the primary issue is 'a lack of consistency'.¹³¹⁰
- 10.31 In relation to cultural plans, the Public Advocate and Children and Young People Commissioner referred to the lack of follow-through in implementing the commitments made in the course of developing the plan and the 'ineffective case management in terms of meeting goals that are important for children and young people'.¹³¹¹ She said that 'the views and wishes of children and young people are not necessarily always at the centre of decision-making or even acknowledged in the course of decision-making'. She said that there was often 'a lack of integration and coordination of systems' to achieve the best outcome for a child or young person.¹³¹²
- 10.32 The Commissioner added that the commission has access to draft cabinet submissions and that it routinely draws the attention of directorates to section 27(2) of the *Human Rights Act 2004* about Aboriginal cultural rights.¹³¹³

1305 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.185.

1306 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.186.

1307 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.186.

1308 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.186.

1309 ATSIEB, *Transcript of evidence*, 15 March 2018, p.186.

1310 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.187.

1311 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.187.

1312 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, p.187.

1313 Ms Jodie Griffiths-Cook, *Transcript of evidence*, 15 March 2018, pp.187–88.



Elected Body comment

Summary

Written responses

- 10.33 Written responses by the ACT Human Rights Commission to the Elected Body's generic questions provided details of the Commission's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.
- 10.34 These included:
- the commission's advocacy for the consideration of the human rights of Aboriginal and Torres Strait Islander peoples in the government policy development and service delivery¹³¹⁴
 - the commission's 'Breathing Life into Cultural Rights' project to promote the cultural rights protected by s 27(2) of the *Human Rights Act 2004*¹³¹⁵
 - that the commission headed an ACT delegation, including the Elected Body, that met with the UN Special Rapporteur on the Rights of Indigenous Peoples Ms Tauli-Corpuz¹³¹⁶
 - participation by the commission's staff in various of Aboriginal and Torres Strait Islander events¹³¹⁷
 - consultations were undertaken by the Public Advocate and Children and Young People Commissioner with Aboriginal and Torres Strait Islander young people about the extent to which their cultural needs were supported and enhanced in their care experience¹³¹⁸
 - the work by the Public Advocate and Children and Young People Commissioner with Gugan Gulwan to improve cultural awareness and cultural competency of non-government agencies¹³¹⁹
 - the employment of Aboriginal and Torres Strait Islander people in temporary identified project positions¹³²⁰
 - the commission received and responded to 47 complaints and enquiries from people who identified as Aboriginal and Torres Strait Islanders in 2016–17¹³²¹
 - three hundred and forty-six new registered clients in Victim Support who identified as Aboriginal and Torres Strait Islanders¹³²²
 - advocacy by the commission for Gladue-type background reports for Aboriginal and Torres Strait Islanders.¹³²³

Responses in hearings

- 10.35 Matters which were considered in some detail in hearings included the following.
- 10.36 In relation to work on behalf of children in care and protection the Elected Body and representatives of the ACT Human Rights Commission discussed among other things work by the Public Advocate and Children and Young People Commissioner with non-government agencies in the care and protection system to improve cultural competency and to help ensure the cultural safety of children and young

1314 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.1.

1315 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.1.

1316 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.

1317 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.

1318 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.

1319 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.2.

1320 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.3.

1321 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.3.

1322 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.4.

1323 ACT Human Rights Commission response to ATSIEB generic questions, December 2017, p.4.

people in care; and joint advocacy by the Public Advocate and Children and Young People Commissioner and the Human Rights Commission for 'Gladue-type reports' in care and protection matters.¹³²⁴

- 10.37 In relation to community engagement the Elected Body and representatives of the ACT Human Rights Commission discussed among other things various community engagement events during the year; participation at the Child Aware Approaches Conference in Brisbane; and the launch by the Public Advocate and Children and Young People Commissioner of the event for Tjillari Justice's bill of rights on the children of parents inside.¹³²⁵
- 10.38 In relation to advice to improve service delivery the Elected Body and representatives of the ACT Human Rights Commission discussed among other things advice to government by the Public Advocate and Children and Young People Commissioner on individual matters and cultural plans and that the Commission routinely draws the attention of directorates to s 27(2) of the *Human Rights Act 2004* about Aboriginal cultural rights.¹³²⁶

Elected Body views and recommendations

- 10.39 The Elected Body notes that s 27(2) of the *Human Rights Act 2004* (ACT) provides:
- (2) Aboriginal and Torres Strait Islander peoples hold distinct cultural rights and must not be denied the right—
 - (a) to maintain, control, protect and develop their—
 - (i) cultural heritage and distinctive spiritual practices, observances, beliefs and teachings; and
 - (ii) languages and knowledge; and
 - (iii) kinship ties; and
 - (b) to have their material and economic relationships with the land and waters and other resources with which they have a connection under traditional laws and customs recognised and valued.¹³²⁷
- 10.40 The Elected Body acknowledges the work undertaken by the ACT Human Rights Commission to advocate for the protection of the rights of Aboriginal and Torres Strait Islander people.

¹³²⁴ *Transcript of evidence*, 15 March 2018, pp.183–84.

¹³²⁵ *Transcript of evidence*, 15 March 2018, pp.184–86.

¹³²⁶ *Transcript of evidence*, 15 March 2018, pp.186–88.

¹³²⁷ A note in the Act states that the primary source of the rights in s. 27 (2) 'is the United Nations Declaration on the Rights of Indigenous Peoples, art 25 and art 31.'

11 TRANSPORT CANBERRA AND CITY SERVICES DIRECTORATE



Introduction

- 11.1 Representatives of Transport Canberra and City Services Directorate appeared before the ATSIEB in hearings on 15 March 2018.
- 11.2 The directorate's written responses to the Elected Body's generic questions and the testimony of witnesses at hearings are considered below.

Responses to generic questions

1 Equitable access and increased impact

- 11.3 In its written response to the Elected Body's first generic question the directorate indicated that:

In support of the ACT Government's commitment to reconciliation outlined in the Aboriginal and Torres Strait Island Agreement (the Agreement), Transport Canberra and City Services (TCCS) launched its first Reconciliation Action Plan (RAP) in September 2016.

The RAP outlines practical strategies relating to our employment and retention of Aboriginal and Torres Strait Islander peoples as well as activities to support education and awareness of Aboriginal and Torres Strait Islander cultures and history both within our organisation and outward through our work with the community.¹³²⁸

2 Implementation of the ACT Aboriginal and Torres Strait Islander Agreement

- 11.4 In its written response to the Elected Body's second generic question the directorate indicated that:

- 11.5 TCCS was implementing the Agreement as part of its core business in a range of ways including:

- The Aboriginal and Torres Strait Islander Community bus provides 'on demand transport to those in the local community who are unable to access mainstream transport systems'.¹³²⁹
- Various Libraries ACT activities relate to implementation of the Agreement such as:
 - Story time for International Mother Language Day which features Ngunnawal language¹³³⁰
 - participation in the annual 'Tracks to Reconciliation' program during Reconciliation Week¹³³¹
 - the 'Deadly Digital' pilot program was organised with the West Belconnen Child and Family Centre and delivered for their Koori Kids groups in Term 2 of 2017. The program introduced participants to the library's eResources and activities such as digital storytelling¹³³²
 - a special Reconciliation Week event was held with Dr Anita Heiss, a Wiradjuri woman¹³³³
 - partnering with libraries in other jurisdictions, and with ABC Open and AIATSIS for a joint major online exhibition called 'Right Wrongs, Write Yes'¹³³⁴

¹³²⁸ TCCS response to ATSIEB generic questions, November 2017, p.1.

¹³²⁹ TCCS response to ATSIEB generic questions, November 2017, p.1.

¹³³⁰ TCCS response to ATSIEB generic questions, November 2017, p.1.

¹³³¹ TCCS response to ATSIEB generic questions, November 2017, p.1.

¹³³² TCCS response to ATSIEB generic questions, November 2017, p.1.

¹³³³ TCCS response to ATSIEB generic questions, November 2017, p.1.

¹³³⁴ TCCS response to ATSIEB generic questions, November 2017, p.1.



- participation at outreach events including NAIDOC by the Lake¹³³⁵
- facilitating visits to and from the library for Koori preschools and the Gugan Gulwan young mums' group¹³³⁶
- hosting a photographic exhibition, called 'Serving Country', which featured portraits and stories of Aboriginal and Torres Strait Islander men and women who have served in the Australian Defence Forces¹³³⁷
- providing services at the ACT Heritage Library for access to records for Link Up clients in relation to Stolen Generations family tracing¹³³⁸
- including in the library's profiles and standing orders with suppliers material created by and about Aboriginal and Torres Strait Islander people.¹³³⁹
- Implementing the RAP action item for the floral display promoting NAIDOC week.¹³⁴⁰

3 Aboriginal and Torres Strait Islander organisations and community

11.6 In its written response to the Elected Body's third generic question the directorate indicated that:

- 'The Aboriginal and Torres Strait Islander Community bus and the supporting Flexible Transport team work closely with all areas of the local Indigenous community' including service providers such as Gugan Gulwan and Winnunga and support men's and women's groups as well as groups which provide recreational and cultural connection.¹³⁴¹
- Libraries ACT has an Aboriginal and Torres Strait Islander Coordinator who works with various Aboriginal and Torres Strait Islander groups and organisations. The coordinator also works on offering programs which share and celebrate Aboriginal and Torres Strait Islander culture, and developing ways to make libraries more accessible and appealing to Aboriginal and Torres Strait Islander people.¹³⁴²
- Birrigai conduct Indigenous ranger programs that are presented by Murrumbung Rangers.¹³⁴³
- Domestic Animal Services (DAS) rangers have been working with local Elders from the Wreck Bay Community to assist in the management and care for community dogs.¹³⁴⁴
- Urban Treescapes staff liaise as required with Indigenous Australian representatives regarding tree-related and heritage matters that may be of any concern to local Indigenous communities.¹³⁴⁵
- TCCS is working collaboratively with the ACT Aboriginal and Torres Strait Elected Body (ATSIEB), the United Ngunnawal Elders Council, Thunderstone Aboriginal Cultural and Land Management Services, Curijo, Office of Aboriginal and Torres Strait Islander Affairs (OATSIA) and Reconciliation Australia through the 2016–18 Reconciliation Action Plan.¹³⁴⁶
- TCCS is building relationships with the Aboriginal and Torres Strait Islander community through the implementation of the TCCS Diversity Employment Strategies.¹³⁴⁷

1335 TCCS response to ATSIEB generic questions, November 2017, p.2.

1336 TCCS response to ATSIEB generic questions, November 2017, p.2.

1337 TCCS response to ATSIEB generic questions, November 2017, p.2.

1338 TCCS response to ATSIEB generic questions, November 2017, p.2.

1339 TCCS response to ATSIEB generic questions, November 2017, p.2.

1340 TCCS response to ATSIEB generic questions, November 2017, p.2.

1341 TCCS response to ATSIEB generic questions, November 2017, p.2.

1342 TCCS response to ATSIEB generic questions, November 2017, pp.2–3.

1343 TCCS response to ATSIEB generic questions, November 2017, p.3.

1344 TCCS response to ATSIEB generic questions, November 2017, p.3.

1345 TCCS response to ATSIEB generic questions, November 2017, p.3.

1346 TCCS response to ATSIEB generic questions, November 2017, p.3.

1347 TCCS response to ATSIEB generic questions, November 2017, p.3.



4 Increased knowledge of the Agreement amongst staff

- 11.7 In its written response to the Elected Body's fourth generic question the directorate indicated that:
- TCCS recognises the Agreement to be fundamental in the delivery of the core business of the directorate and has referenced it in key documents relating to the Reconciliation Action Plan, diversity employment and the provision of services to the community.¹³⁴⁸
 - TCCS provides a permanent link to the Agreement on the directorate's RAP intranet page.¹³⁴⁹
 - The directorate's Inclusion Officer promotes the Agreement at inductions and through conversations with business unit managers.¹³⁵⁰

5 Aboriginal and Torres Strait Islander staffing profile

- 11.8 In its written response to the Elected Body's fifth generic question the directorate indicated that:
- at 31 October 2017, TCCS had 42 employees who self-identified as Aboriginal or Torres Strait Islander or 2.2 per cent of its total workforce—this exceeds the 2017–18 target by two¹³⁵¹
 - TCCS had 13 identified positions¹³⁵²
 - TCCS identified three placements in 2017 for Australian School-Based Apprenticeships in ACTION, Roads ACT and Sports and Recreation¹³⁵³
 - of the 42 employees who self-identified as Aboriginal or Torres Strait Islanders, 36 were male (86 per cent) and six were female (14 per cent).¹³⁵⁴
- 11.9 The directorate provided a table showing the classification levels of its Aboriginal and Torres Strait Islander employees.¹³⁵⁵ This table is reproduced below.

Classification	Number
Admin Service Officer 1	1
Admin Service Officer 2	1
Admin Service Officer 3	2
Admin Service Officer 4	1
Admin Service Officer 5	1
Admin Service Officer 6	2
Apprentice	1
Apprentice Workshop	3
Bus Operator	6
Bus Operator Training	1
Contract Executive	1
General Service Officer 3/4	11
General Service Officer 4	1
General Service Officer 5	1
General Service Officer 5/6	4

1348 TCCS response to ATSIEB generic questions, November 2017, p.3.

1349 TCCS response to ATSIEB generic questions, November 2017, p.3.

1350 TCCS response to ATSIEB generic questions, November 2017, p.4.

1351 TCCS response to ATSIEB generic questions, November 2017, p.4.

1352 TCCS response to ATSIEB generic questions, November 2017, p.4.

1353 TCCS response to ATSIEB generic questions, November 2017, p.4.

1354 TCCS response to ATSIEB generic questions, November 2017, p.4.

1355 TCCS response to ATSIEB generic questions, November 2017, p.5.



Classification	Number
General Service Officer 5/7	1
Senior Officer C	1
Senior Tech Officer C	1
Technical Officer 2	1
Technical Officer 3	1
Total	42

- 11.10 In its response the directorate indicated that it provides the following retention and development opportunities:
- funding a 'scholarship' of about \$5,000 per annum for Aboriginal and Torres Strait Islander employees to build capability for progression to more senior roles ¹³⁵⁶
 - allocating a place each year for existing Aboriginal and Torres Strait Islander employees to participate in the TCCS Manager Development Program ¹³⁵⁷
 - establishing a TCCS Indigenous peer support group to support and mentor Indigenous employees ¹³⁵⁸
 - promoting the ACTPS Aboriginal and Torres Strait Islander Staff Network (Murranga Murranga) to Indigenous employees ¹³⁵⁹
 - having three Indigenous employees participate in the ACT's whole-of-government Indigenous Leadership program in 2017. ¹³⁶⁰
- 11.11 In its response the directorate indicated that it is increasing Aboriginal and Torres Strait Islander representation by:
- TCCS Diversity Employment Strategies include actions which aim to increase Aboriginal and Torres Strait Islander representation, such as:
 - implementing the Reconciliation Action Plan ¹³⁶¹
 - establishing identified positions for Aboriginal and Torres Strait Islander people ¹³⁶²
 - participating in whole-of-government Indigenous traineeship programs ¹³⁶³
 - ensuring that TCCS vacancies are advertised widely ¹³⁶⁴
 - including a statement that 'Aboriginal and Torres Strait Islander people are encouraged to apply' in all TCCS job advertisements ¹³⁶⁵
 - requiring all senior officers and executives to undertake Aboriginal and Torres Strait Islander cultural awareness training. ¹³⁶⁶

6 Aboriginal and Torres Strait islander leadership

- 11.12 In its written response to the Elected Body's sixth generic question the directorate indicated that:
- Its Diversity Employment Strategies include actions which aim to increase the number of Aboriginal and Torres Strait Islander people in leadership roles. These include:

¹³⁵⁶ TCCS response to ATSIEB generic questions, November 2017, p.5.

¹³⁵⁷ TCCS response to ATSIEB generic questions, November 2017, p.5.

¹³⁵⁸ TCCS response to ATSIEB generic questions, November 2017, p.5.

¹³⁵⁹ TCCS response to ATSIEB generic questions, November 2017, p.5.

¹³⁶⁰ TCCS response to ATSIEB generic questions, November 2017, p.5.

¹³⁶¹ TCCS response to ATSIEB generic questions, November 2017, p.6.

¹³⁶² TCCS response to ATSIEB generic questions, November 2017, p.6.

¹³⁶³ TCCS response to ATSIEB generic questions, November 2017, p.6.

¹³⁶⁴ TCCS response to ATSIEB generic questions, November 2017, p.6.

¹³⁶⁵ TCCS response to ATSIEB generic questions, November 2017, p.6.

¹³⁶⁶ TCCS response to ATSIEB generic questions, November 2017, p.6.



- liaising with Indigenous recruitment agencies to recruit to executive positions¹³⁶⁷
- providing a scholarship each year to build capability to progress to more senior roles¹³⁶⁸
- allocating a place in the TCCS Manager Development Program for an Aboriginal and Torres Strait Islander employee.¹³⁶⁹
- in 2017, TCCS recruited one executive who identifies as an Aboriginal or Torres Strait Islander.¹³⁷⁰

7 Management positions

11.13 In its written response to the Elected Body's seventh generic question the directorate indicated that:

*The Flexible Transport Service is available to Canberra residents who have limited access to public transport options. The service is managed by a non-Indigenous employee as the service is more broadly available for people with disability, aged residents as well as Aboriginal and Torres Strait Islander peoples.*¹³⁷¹

8 Focused and effective services

11.14 In its written response to the Elected Body's eighth generic question the directorate indicated that:

- bookings for the Aboriginal and Torres Strait Islander Community Bus continue to increase¹³⁷²
- participation in, and feedback about, Libraries ACT programs and services include:
 - the Story Time featuring Ngunnawal language was attended by 31 children and 21 adults who learned Ngunnawal words and borrowed books by and about Aboriginal and Torres Strait Islander people¹³⁷³
 - about 80 people attended the library's Reconciliation Week event with Dr Anita Heiss and social media posts about the event were shared¹³⁷⁴
 - members of the Koori Kids group who participated in the 'Deadly Digital' program were enthusiastic about returning to the library.¹³⁷⁵

9 Effective policy development and policy impact

11.15 In its written response to the Elected Body's ninth generic question the directorate indicated that:

- the Aboriginal and Torres Strait Islander Community Bus application form and guidelines were revised so that they were more 'user-friendly'¹³⁷⁶
- participation in activities and responses to outreach 'demonstrate positive and future opportunities'¹³⁷⁷
- since 1 July 2016, TCCS has increased the number of Aboriginal and Torres Strait Islanders it employs from 26 to 42. The directorate has attributed this increase to the implementation of its first RAP and TCCS Diversity Employment Strategies.¹³⁷⁸

1367 TCCS response to ATSIEB generic questions, November 2017, p.6.

1368 TCCS response to ATSIEB generic questions, November 2017, p.6.

1369 TCCS response to ATSIEB generic questions, November 2017, p.6.

1370 TCCS response to ATSIEB generic questions, November 2017, p.6.

1371 TCCS response to ATSIEB generic questions, November 2017, p.6.

1372 TCCS response to ATSIEB generic questions, November 2017, p.6.

1373 TCCS response to ATSIEB generic questions, November 2017, p.7.

1374 TCCS response to ATSIEB generic questions, November 2017, p.7.

1375 TCCS response to ATSIEB generic questions, November 2017, p.7.

1376 TCCS response to ATSIEB generic questions, November 2017, p.7.

1377 TCCS response to ATSIEB generic questions, November 2017, p.7.

1378 TCCS response to ATSIEB generic questions, November 2017, p.7.



10 Budget allocations to programs, services and clients

11.16 In its written response to the Elected Body's tenth generic question the directorate indicated that:

- TCCS has specific Aboriginal and Torres Strait Islander programs, including the Aboriginal and Torres Strait Islander Community Bus, Aboriginal and Torres Strait Islander cultural awareness training and indigenous traineeships.¹³⁷⁹
- TCCS allocates less than one per cent of its recurrent budget to Aboriginal and Torres Strait Islander programs.¹³⁸⁰
- Budget allocations for 2017–18 include:
 - \$16,000 to deliver six full-day Aboriginal and Torres Strait Islander cultural awareness training sessions for TCCS staff¹³⁸¹
 - \$151,000 to employ an Inclusion Officer who provides guidance and implements the TCCS Reconciliation Action Plan and for costs associated with the Action Plan¹³⁸²
 - \$174,000 to offer three Indigenous Traineeships and to provide trainees educational support¹³⁸³
 - \$215,000 for the Aboriginal and Torres Strait Islander Community Bus Program.¹³⁸⁴

11 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff

11.17 In its written response to the Elected Body's eleventh generic question the directorate indicated that:

- TCCS has employment strategies that focus on providing access to peer support, mentoring and coaching for Aboriginal and Torres Strait Islander employees, including:
 - providing funds for a 'scholarship' for Aboriginal and Torres Strait Islander employees to build capability for progression to more senior roles—these funds can also be used to access mentoring and coaching programs¹³⁸⁵
 - establishing a TCCS Indigenous peer support group to support and mentor Indigenous employees¹³⁸⁶
 - promoting the ACTPS Aboriginal and Torres Strait Islander Staff Network (Murranga Murranga) to Indigenous employees in TCCS¹³⁸⁷
 - having three Indigenous employees participate in the whole-of-government Indigenous Leadership program in 2017 which had a mentoring component.¹³⁸⁸
- City Services requires all Place Management staff and new employees to attend Aboriginal and Torres Strait Islander awareness training; and additional opportunities to raise awareness are provided at operational staff toolbox meetings.¹³⁸⁹

12 Aboriginal and Torres Strait Islander cultural awareness training

11.18 In its written response to the Elected Body's twelfth generic question the directorate indicated that:

- TCCS requires all senior officers and executives to undertake Aboriginal and Torres Strait Islander cultural awareness training.¹³⁹⁰

1379 TCCS response to ATSIIEB generic questions, November 2017, p.7.

1380 TCCS response to ATSIIEB generic questions, November 2017, p.7.

1381 TCCS response to ATSIIEB generic questions, November 2017, p.8.

1382 TCCS response to ATSIIEB generic questions, November 2017, p.8.

1383 TCCS response to ATSIIEB generic questions, November 2017, p.8.

1384 TCCS response to ATSIIEB generic questions, November 2017, p.8.

1385 TCCS response to ATSIIEB generic questions, November 2017, p.8.

1386 TCCS response to ATSIIEB generic questions, November 2017, p.8.

1387 TCCS response to ATSIIEB generic questions, November 2017, p.8.

1388 TCCS response to ATSIIEB generic questions, November 2017, p.9.

1389 TCCS response to ATSIIEB generic questions, November 2017, p.9.

1390 TCCS response to ATSIIEB generic questions, November 2017, p.9.



- In 2016–17, 117 employees attended this training; and 22 attended the training from 1 July to 31 October 2017.¹³⁹¹
- About 85 per cent of the directorate's current senior officers and executives have attended or are scheduled to attend a session.¹³⁹²

13 Building on knowledge obtained through cultural awareness training

11.19 In its written response to the Elected Body's thirteenth generic question the directorate indicated that:

11.20 Actions taken by TCCS which build on the knowledge that employees have obtained through Aboriginal and Torres Strait Islander cultural awareness training include:

- local Ngunnawal custodians, *Dharwra Aboriginal Cultural Tours* have been engaged to deliver on-country Aboriginal and Torres Strait Islander cultural programs¹³⁹³
- TCCS has a RAP intranet page that provides information and links to a number of resources and websites such as NAIDOC Week and Reconciliation Australia, networking opportunities, dates of significance to Aboriginal and Torres Strait Islander peoples, progress of the TCCS RAP and cultural awareness training opportunities¹³⁹⁴
- Libraries ACT celebrated International Mother Language Day in February 2017 with the activities including Glenn Freeman from Thunderstone Aboriginal Culture and Land Management Services presenting 'Story Time' to 31 children and 21 adults¹³⁹⁵
- Ngunnawal Custodians presented a Welcome to country and performed a smoking ceremony at TCCS events such as the unveiling of the Light Rail site and the launch of the Reconciliation ACTION bus¹³⁹⁶
- Acknowledgement of country is a standard item on the TCCS meeting agenda template¹³⁹⁷
- ACT Libraries has an Aboriginal and Torres Strait Islander Coordinator position¹³⁹⁸
- a 90-minute cultural awareness session was presented by Curijo Pty Ltd as part of Libraries ACT's annual planning and development day¹³⁹⁹
- copies of the DVD *Footprints on Our Land* about the life of Ngunnawal elder, Aunty Agnes Shea are included in the library's lending collection¹⁴⁰⁰
- ACT Libraries staff were encouraged to:
 - engage with the 'Right Wrongs, Write Yes' online exhibition
 - attend the ACT Library's Reconciliation Week event with Dr Anita Heiss
 - engage with the *Serving Country* exhibition at Civic Library¹⁴⁰¹
- Libraries ACT will participate in the development of cultural competency training through the National and State Libraries of Australasia Indigenous Working Group.¹⁴⁰²

1391 TCCS response to ATSIEB generic questions, November 2017, p.9.

1392 TCCS response to ATSIEB generic questions, November 2017, p.9.

1393 TCCS response to ATSIEB generic questions, November 2017, p.9.

1394 TCCS response to ATSIEB generic questions, November 2017, p.9.

1395 TCCS response to ATSIEB generic questions, November 2017, p.9.

1396 TCCS response to ATSIEB generic questions, November 2017, p.10.

1397 TCCS response to ATSIEB generic questions, November 2017, p.10.

1398 TCCS response to ATSIEB generic questions, November 2017, p.10.

1399 TCCS response to ATSIEB generic questions, November 2017, p.10.

1400 TCCS response to ATSIEB generic questions, November 2017, p.10.

1401 TCCS response to ATSIEB generic questions, November 2017, p.10.

1402 TCCS response to ATSIEB generic questions, November 2017, p.10.



Hearings

11.21 Officers of the Transport Canberra and City Services Directorate appeared before the Elected Body in hearings on 15 March 2018.

Matters considered

11.22 Matters considered in the course of the hearings included:

- Aboriginal and Torres Strait Islander events attended by the Minister¹⁴⁰³
- cultural awareness training¹⁴⁰⁴
- employment of Aboriginal and Torres Strait Islander people¹⁴⁰⁵
- accomplishments of programs and services¹⁴⁰⁶
- the Aboriginal and Torres Strait Islander Community Bus¹⁴⁰⁷
- Reconciliation Action Plan achievements and commitment to self-determination¹⁴⁰⁸
- business contracts¹⁴⁰⁹
- recruitment and tender panels¹⁴¹⁰
- community consultation about changes to ACT public transport¹⁴¹¹
- awareness of concession cards¹⁴¹²
- cemeteries.¹⁴¹³

Key issues

Aboriginal and Torres Strait Islander events attended by the Minister

- 11.23 When directorate representatives were asked by the Elected Body about the Aboriginal and Torres Strait Islander events that the Minister had attended during the previous three years, the Director-General took this question on notice.
- 11.24 The Director-General advised that during 2017 she had attended the launch of the Reconciliation Bus with the Minister, and that the Minister attended an event to celebrate the 50th anniversary of the 1967 referendum.¹⁴¹⁴ The Deputy Director-General Transport Canberra advised that the Minister also attended a smoking ceremony for the commencement of the light rail construction.¹⁴¹⁵
- 11.25 The directorate's response to the Question Taken on Notice advised that Minister FitzHarris became the Minister for Transport and City Services on 22 January 2016 and that in this time she had attended two Aboriginal and Torres Strait Islander events.¹⁴¹⁶

¹⁴⁰³ *Transcript of evidence*, 15 March 2018, p.191.

¹⁴⁰⁴ *Transcript of evidence*, 15 March 2018, pp.190–91.

¹⁴⁰⁵ *Transcript of evidence*, 15 March 2018, pp.194–97.

¹⁴⁰⁶ *Transcript of evidence*, 15 March 2018, pp.190–93.

¹⁴⁰⁷ *Transcript of evidence*, 15 March 2018, pp.193–94.

¹⁴⁰⁸ *Transcript of evidence*, 15 March 2018, pp.198–99.

¹⁴⁰⁹ *Transcript of evidence*, 15 March 2018, pp.199–200.

¹⁴¹⁰ *Transcript of evidence*, 15 March 2018, p.200.

¹⁴¹¹ *Transcript of evidence*, 15 March 2018, pp.200–03.

¹⁴¹² *Transcript of evidence*, 15 March 2018, pp.203–04.

¹⁴¹³ *Transcript of evidence*, 15 March 2018, pp.204–06.

¹⁴¹⁴ Ms Emma Thomas, *Transcript of evidence*, 15 March, p.191.

¹⁴¹⁵ Mr Duncan Edghill, *Transcript of evidence*, 15 March 2018, p.191.

¹⁴¹⁶ Ms Emma Thomas, Response to Question Taken on Notice at hearings of 15 March 2018, signed 24 April 2018.



Cultural awareness training

- 11.26 The Elected Body asked directorate representatives whether the directorate's cultural awareness training covered Ngunnawal and/or Traditional Custodian content and if the program was delivered by a local provider.
- 11.27 The Director-General advised that she had undertaken the cultural awareness training and it included Ngunnawal content including 'contemporary Ngunnawal issues'.¹⁴¹⁷
- 11.28 The Director, People and Capability confirmed that the cultural awareness training includes 'content related to the Ngunnawal people' and that the directorate now had 'on-country tours as well' that were incorporated in the training calendar'.¹⁴¹⁸ The Director-General added that on-country tours were made available to supplement the cultural awareness training and will continue.¹⁴¹⁹

Employment of Aboriginal and Torres Strait Islander people

- 11.29 The Elected Body asked what strategies had been implemented for Aboriginal and Torres Strait Islander residents of the ACT. It said it was particularly interested to know how the directorate was tracking against its employment targets.¹⁴²⁰
- 11.30 The Director-General advised that while the directorate had a target of 40 Aboriginal and Torres Strait Islander employees, at 21 February 2017 it had 44, so had exceeded its target.¹⁴²¹
- 11.31 The Director, People and Capability said that the directorate had a 'comprehensive employment strategy' which included strategies for Aboriginal and Torres Strait Islander people and people with a disability. For Aboriginal and Torres Strait Islanders, it included a focus on leadership and planning, particularly about having a 'safe' culture in the workplace, 'attracting and recruiting a diverse workforce', and 'developing and retaining a diverse workforce'. He said that the development component including offering a scholarship with a budget of around \$10,000 to Indigenous employees and those with a disability, as well as in-kind support through study assistance and relief from the workplace. He also spoke about providing promotional opportunities and support for employees who come into the directorate at entry level.¹⁴²²
- 11.32 The Director then referred to the fourth area of the strategy about 'improving workforce diversity data' and that employees were regularly asked—usually every six months—to update their diversity profile in the directorate's information systems. As for the increase in the data which followed, he took that question on notice, and then added:

*We do know that it has been very effective. Since we came together as TCCS, we have seen quite a significant growth in employee headcount, both through recruitment and through existing employees self-identifying.*¹⁴²³

- 11.33 The directorate's response to the Question Taken on Notice advised that in July 2017 the Head of Service conducted an ACT Government wide 'Update your details' campaign and the TCCS Aboriginal and Torres Strait Islander headcount increased by two but that 'it is difficult to know, with any certainty, whether the increase is a direct response of the campaign'.¹⁴²⁴

1417 Ms Emma Thomas, *Transcript of evidence*, 15 March 2018, p.190.

1418 Mr Steven Wright, *Transcript of evidence*, 15 March 2018, p.191.

1419 Ms Emma Thomas, *Transcript of evidence*, 15 March 2018, p.191.

1420 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.194.

1421 Ms Emma Thomas, *Transcript of evidence*, 15 March 2018, p.195.

1422 Mr Steven Wright, *Transcript of evidence*, 15 March 2018, pp.195–96.

1423 Mr Steven Wright, *Transcript of evidence*, 15 March 2018, p.196.

1424 Ms Emma Thomas, Response to Question Taken on Notice at hearings of 15 March 2018, signed 24 April 2018.



- 11.34 The Director also told the Elected Body that TCCS has 'a very operational workforce and frontline' so there were many employees at lower levels of classification and the directorate's human resource system didn't allow those who are in management or supervisory roles to be readily identified. He said however that of the 44 employees who identified as Aboriginal and Torres Strait Islanders about 32 per cent could be in a supervisory capacity.¹⁴²⁵
- 11.35 A question asked by the Elected Body about the numbers in temporary and permanent positions was taken on notice.
- 11.36 The directorate's response to this Question Taken on Notice advised as follows.
- As at March 2018, TCCS employs 45 Aboriginal or Torres Strait Islander employees. Sixty-five per cent of these employees are engaged on a permanent, ongoing basis. The most significant area of temporary engagement is within City Presentation, where ten employees are engaged on a temporary basis. TCCS is currently reviewing the ratio of permanent staff in City Presentation and expect that the number of permanent staff will increase in future reports.*¹⁴²⁶
- 11.37 The Elected Body was interested to know whether the directorate's diversity profile captured female and male Indigenous employees.¹⁴²⁷
- 11.38 The Deputy Director-General, Transport Canberra advised that of the 44 Aboriginal and Torres Strait Islander employees, 36 or 82 per cent were males.¹⁴²⁸ The Director-General then added that across TCCS 74 per cent of employees were males so the gender profile of Aboriginal and Torres Strait Islander employees was fairly consistent with that across the entire directorate.¹⁴²⁹
- 11.39 In relation to the light rail project, the Elected Body heard that there was a specific target for the employment of Aboriginal and Torres Strait Islanders in the industry plan which is part of the contract with Canberra Metro, which is 'a consortium of builders and operators'.¹⁴³⁰

Accomplishments of programs and services

- 11.40 The Elected Body was interested to learn what had been accomplished through programs and services for Aboriginal and Torres Strait Islander residents in the previous term.¹⁴³¹
- 11.41 The Director, Capital Works and Development Support, advised the Elected Body that more than 60 deliverables and actions included in the directorate's Reconciliation Action Plan had been delivered and that a list of these would be provided.¹⁴³²
- 11.42 Earlier in the hearings, the Director-General had advised that of the 82 deliverables included in the Reconciliation Action Plan, 61 had been completed and an addition 14 were in process—'91 per cent . . . are either underway or have been completed'.¹⁴³³
- 11.43 The Director, Libraries ACT then outlined programs that had been delivered for the community through the library system including:
- language story-time activities for International Mother Language Day

¹⁴²⁵ Mr Steven Wright, *Transcript of evidence*, 15 March 2018, p.196.

¹⁴²⁶ Ms Emma Thomas, Response to Question Taken on Notice at hearings of 15 March 2018, signed 24 April 2018.

¹⁴²⁷ ATSIEB, *Transcript of evidence*, 15 March 2018, p.197.

¹⁴²⁸ Mr Duncan Edghill, *Transcript of evidence*, 15 March 2018, p.197.

¹⁴²⁹ Ms Emma Thomas, *Transcript of evidence*, 15 March 2018, p.197.

¹⁴³⁰ Mr Duncan Edghill, *Transcript of evidence*, 15 March 2018, p.197.

¹⁴³¹ ATSIEB, *Transcript of evidence*, 15 March 2018, p.191.

¹⁴³² Mr Ben McHugh, *Transcript of evidence*, 15 March 2018, p.191.

¹⁴³³ Ms Emma Thomas, *Transcript of evidence*, 15 March 2018, p.190.



- participation in the tracks to reconciliation programs organised by child and family centres
- 'Deadly digital' — a digital and cybersafety program for young people
- an address given by Dr Anita Heiss about her 50 achievements in the 50 years since the 1967 referendum
- an online exhibition called 'Right wrongs'
- participation in NAIDOC Week activities
- encouraging 'the importance of reading, singing, doing finger plays and those sorts of things with your kids'
- 'Serving country' — an exhibition held at Civic library of portraits of Aboriginal and Torres Strait Islander people who served in Australia's armed forces
- involvement in the link-up program relevant to the stolen generation
- the libraries regular collections which includes the automatic purchase of publications from various Aboriginal and Torres Strait Islander publishers.¹⁴³⁴

11.44 The Director-General added that the directorate had an Aboriginal and Torres Strait Islander coordinator and operated a specific community bus.¹⁴³⁵

The Aboriginal and Torres Strait Islander Community Bus

- 11.45 In relation to the Aboriginal and Torres Strait Islander Community Bus, the Elected Body asked how the directorate was 'engaging with the community to measure access, demand and usage'.¹⁴³⁶
- 11.46 The Elected Body heard that patronage was the 'headline indicator' and that since June 2017 more than 5,500 passenger trips had been taken on the directorate's two Aboriginal and Torres Strait Islander dedicated buses or about 500 trips per month.¹⁴³⁷
- 11.47 The Director, Transport Canberra Operations advised that the buses had been 'used around 80 times for community use, where people are actually borrowing the vehicles to go to different places' and he referred to a trip as far as Cherbourg in Queensland and another which took a netball team to the Gold Coast.¹⁴³⁸
- 11.48 The Deputy Director-General said that the buses were used for transport to attend interstate funerals, social and sporting events and that generally there were trips taken over the Canberra region including to Jervis Bay, Goulburn, Yass and Cooma.¹⁴³⁹

Reconciliation Action Plan achievements and commitment to self-determination

- 11.49 At this stage of the hearing, the Director, Capital Works and Development Support told the Elected Body that the directorate's first Reconciliation Action Plan established and embedded some day-to-day business activities into general processes, like including an Acknowledgment of country in standard meeting templates. He also referred to celebrating National Reconciliation Action Week 2017, library events, the bus wrap with artwork, and roadshows to remote areas of the organisation, as well as cultural awareness training.¹⁴⁴⁰

1434 Ms Vanessa Little, *Transcript of evidence*, 15 March 2018, pp.192–93.

1435 Ms Emma Thomas, *Transcript of evidence*, 15 March 2018, p.193.

1436 ATSIEB, *Transcript of evidence*, 15 March 2018, p.193.

1437 Mr Duncan Edghill, *Transcript of evidence*, 15 March 2018, p.193.

1438 Mr Ian McGlenn, *Transcript of evidence*, 15 March 2018, pp.193–94.

1439 Mr Duncan Edghill, *Transcript of evidence*, 15 March 2018, p.194.

1440 Mr Ben McHugh, *Transcript of evidence*, 15 March 2018, p.198.



11.50 As for giving Aboriginal and Torres Strait Islander people a voice in decision-making, the Director stated:

... what we have been trying to achieve with the RAP is providing safe platforms for our Indigenous staff to come forward and have conversations with us about opportunities. A lot of it has been formalised through the employment arrangements, but what we are trying to create is cultural awareness within the cohort of staff that gives people safe and confident places to have conversations about what opportunities might be there'.¹⁴⁴¹

11.51 The Director also told the Elected Body that of the 25 registered members of the directorate's RAP Working Group, eight were Indigenous and that for the second RAP the focus was moving to how 'we can do things together through the organisation'.¹⁴⁴²

11.52 The Director-General then referred to larger consultations with Aboriginal and Torres Strait Islanders that were about to be undertaken about 'public transport or better suburbs'.¹⁴⁴³ She also said that engagement had occurred about the heritage requirements for the light rail and that symbolic recognition was given to Ngunnawal culture in the directorate's overall work.¹⁴⁴⁴

11.53 The Director, Capital Works and Development Support told the Elected Body that the directorate had built better lines of communication with Indigenous representative groups in the local community.¹⁴⁴⁵

Business contracts

11.54 The Elected Body asked directorate officials about the number of Aboriginal and Torres Strait Islander businesses that had been awarded contracts by the directorate.¹⁴⁴⁶

11.55 The Director-General referred to contracts for services in a whole-of-directorate communication exercise called the TCCS exchange.¹⁴⁴⁷

11.56 The Director, Capital Works and Development Support then pointed out the training contract, as well as requirements for minimum participation from local industry and Indigenous businesses that are written in to procurement arrangements. He said that they had been building connections with local Indigenous businesses — he said that the procurement website included a long list, but 'you are not quite sure what services they provide'.¹⁴⁴⁸

11.57 It was agreed that information would be provided to the Elected Body about the number of procurement processes that required Aboriginal and Torres Strait Islander outcomes and what they achieved.¹⁴⁴⁹

11.58 The directorate's response to the Question Taken on Notice advised, among other things, that for 2017–18, TCCS has contracts with Indigenous businesses 'for the supply of services and goods and capital works'. It also advised that of the six contracts identified, five required Aboriginal and Torres Strait Islander outcomes and that to date each of the engaged businesses had 'delivered as per their contractual requirements'.¹⁴⁵⁰

1441 Mr Ben McHugh, *Transcript of evidence*, 15 March 2018, p.198.

1442 Mr Ben McHugh, *Transcript of evidence*, 15 March 2018, p.198.

1443 Ms Emma Thomas, *Transcript of evidence*, 15 March 2018, pp.198–99.

1444 Ms Emma Thomas, *Transcript of evidence*, 15 March 2018, p.199.

1445 Mr Ben McHugh, *Transcript of evidence*, 15 March 2018, p.199.

1446 ATSIAB, *Transcript of evidence*, 15 March 2018, p.199.

1447 Ms Emma Thomas, *Transcript of evidence*, 15 March 2018, p.199.

1448 Mr Ben McHugh, *Transcript of evidence*, 15 March 2018, pp.199–200.

1449 Mr Ben McHugh, *Transcript of evidence*, 15 March 2018, p.200.

1450 Ms Emma Thomas, Response to Question Taken on Notice at hearings of 15 March 2018, signed 24 April 2018.



Recruitment and tender panels

- 11.59 In relation to the membership of recruitment panels, the Elected Body was advised that there is 'absolutely no exclusion' and that the 32 per cent of Aboriginal and Torres Strait Islander employees in supervisory roles would be considered as part of panels in 'the normal course of business'. For recruitment to identified positions, 'we seek to have an Aboriginal and Torres Strait Islander person present on the panel'.¹⁴⁵¹
- 11.60 It was agreed that available data about the inclusion of Aboriginal and Torres Strait Islanders on recruitment panels, for both identified and other positions, and on tender panels would be provided on notice to the Elected Body.¹⁴⁵²
- 11.61 The directorate's response to this Question Taken on Notice advised as follows.

*The recruitment management system and associated paperwork does not track diversity information. Regrettably, TCCS is unable to provide any more detailed information on the number of Indigenous panel members.*¹⁴⁵³

Community consultation about changes to ACT public transport

- 11.62 The Elected Body asked about consultation with the community about public transport changes which affected them, and particularly with Aboriginal and Torres Strait Islanders about bus route changes impacting on their access to medical appointments.¹⁴⁵⁴
- 11.63 The Deputy Director-General, Transport Canberra told the Elected Body that the directorate was about to embark on three main pieces of community consultation. He said that of these:
- the first consultation exercise involved engagement for light rail Stage 2 in the Woden mass transit corridor
 - The second concerned 'broad transport planning processes' which has a specific element focused on the Aboriginal and Torres Strait Islander community and that the directorate was working through an internal process for a potential refresh of the Transport for Canberra policy which was implemented in 2012
 - the third was in relation to the bus network — he said that light rail would become operational later in 2018 and the bus network had to be changed 'so that light rail and buses are properly integrated'.¹⁴⁵⁵
- 11.64 The Deputy Director-General also said that a possibility was on-demand or demand-responsive bus services which is used in some places in NSW, which don't necessarily follow a fixed route but are moulded to where and when people want to go and which are potentially a better outcome for operators and the community.¹⁴⁵⁶
- 11.65 The Elected Body explained that a member of the local Aboriginal and Torres Strait Islander community had expressed concern about the change to the bus route that went past the medical centre at Narrabundah and that the alternative bus route now dropped people somewhere else. The Elected Body said that buses were sometimes the only transport option available for Aboriginal and Torres Strait Islanders to travel to Gugan Gulwan, Winnunga, the AMC and Bimberi. It asked who the directorate had consulted about the change to bus route number five that it had mentioned.¹⁴⁵⁷

1451 Mr Steven Wright, *Transcript of evidence*, 15 March 2018, p.200.

1452 Mr Steven Wright, *Transcript of evidence*, 15 March 2018, p.200.

1453 Ms Emma Thomas, Response to Question Taken on Notice at hearings of 15 March 2018, signed 24 April 2018.

1454 ATSIEB, *Transcript of evidence*, 15 March 2018, pp.200–01.

1455 Mr Duncan Edghill, *Transcript of evidence*, 15 March 2018, p.201.

1456 Mr Duncan Edghill, *Transcript of evidence*, 15 March 2018, p.201.

1457 ATSIEB, *Transcript of evidence*, 15 March 2018, p.202.



- 11.66 In responding to this question, the Deputy Director-General, Transport Canberra said that when bus routes were changed the focus was on increasing patronage to 'deliver a service that will attract as many people as we can'. He said an opportunities to express views would be available in forthcoming consultations and that as for the bus to the AMC, he said that it sometimes operated out of visiting hours with two hours between buses. He said that one option would be to use new technologies or demand-responsive transport that may be better for the entire community and more sensible for the directorate too.¹⁴⁵⁸
- 11.67 The Elected Body pointed out however that some community members were angry about the change in the bus route as it impacted on their access to Winnunga, and that not having access to a health service also has cost implications for the ACT Government.¹⁴⁵⁹

Awareness of concession cards

- 11.68 The Elected Body asked about the steps taken to raise awareness of the different concession cards that members of the Aboriginal and Torres Strait Islander community can use on ACT public transport.¹⁴⁶⁰
- 11.69 The Deputy Director-General, Transport Canberra advised the Elected Body that while the directorate had MyWay tickets that were available to concession card holders, it did not have carriage of responsibility for the concession cards.¹⁴⁶¹ The Director-General then added that library services provided lots of information about TCCS and the ACT Government.¹⁴⁶²
- 11.70 The Director, Canberra Transport Operations referred to a broad range of concession entitlements including free off-peak travel. He said if there was a better way to inform the community of their entitlements and how to use them he would investigate that or get feedback directly from the Elected Body.¹⁴⁶³ Reference was also made during discussion to in-bus advertising for those who use public transport and information on the website about reduced fares, free off-peak travel and other benefits.¹⁴⁶⁴
- 11.71 Following a suggestion by the Elected Body, the Director-General agreed that the use of the Indigenous 'wrap' bus for community events in NAIDOC Week and Reconciliation Week provided 'an exceptional opportunity to provide further information'.¹⁴⁶⁵
- 11.72 It was also agreed that information about transport concession entitlements could also be included in the communique that the Elected Body emails to the Indigenous community after each meeting, the Winnunga newsletter, the Gugan newsletter, and social media as well.¹⁴⁶⁶
- 11.73 The Deputy Director-General, Transport Canberra told the Elected Body about the use of the 'Uncle Jimmy Williams' pattern in the seat design for both light rail vehicles and the new blue buses to be introduced. He said that motif would be used 'throughout the entirety of our public transport network'.¹⁴⁶⁷

1458 Mr Duncan Edghill, *Transcript of evidence*, 15 March 2018, p.202.

1459 ATSIEB, *Transcript of evidence*, 15 March 2018, pp.202–03.

1460 ATSIEB, *Transcript of evidence*, 15 March 2018, p.203.

1461 Mr Duncan Edghill, *Transcript of evidence*, 15 March 2018, p.203.

1462 Ms Emma Thomas, *Transcript of evidence*, 15 March 2018, p.203.

1463 Mr Ian McGlenn, *Transcript of evidence*, 15 March 2018, p.203.

1464 Mr Duncan Edghill, *Transcript of evidence*, 15 March 2018, p.203.

1465 Ms Emma Thomas, *Transcript of evidence*, 15 March 2018, p.203.

1466 Mr Ian McGlenn, *Transcript of evidence*, 15 March 2018, p.204.

1467 Mr Duncan Edghill, *Transcript of evidence*, 15 March 2018, pp.203–04.



Cemeteries

- 11.74 The Elected Body advised that its final question in the hearing was about cemeteries and the process for inclusion of cultural considerations particularly in the removal or exhumation of family.¹⁴⁶⁸
- 11.75 The Deputy Director-General, City Services advised that an independent statutory authority—the Cemeteries Authority—manages the cemeteries in Canberra (i.e. at Gungahlin, Woden and Hall). He said that the authority was sensitive to the needs of the community and he would obtain information for the Elected Body about the procedures it follows and that the Director of Cemeteries would also be able to help.¹⁴⁶⁹
- 11.76 The Elected Body clarified that its concern related to media coverage about changes to 25-year plots and how agreements affect the removal and transport of remains.¹⁴⁷⁰
- 11.77 In his response, the Deputy Director-General told the Elected Body that consideration is always given to the management of cemeteries in the future, that Canberra's population was growing, and that options for burial had to be provided. He said that when someone is buried at the moment it is 'in perpetuity' and that no changes to that were proposed. However he also said that the government was considering its response to an ACT Legislative Assembly Standing Committee report of 2017 which suggested that the government consider the introduction of tenure for graves, though that would not apply retrospectively. He emphasised that there was 'no proposal to change tenure at the moment'.¹⁴⁷¹
- 11.78 As the hearings drew to a close, the Elected Body said that the removal and travel of Aboriginal and Torres Strait Islander remains was 'a sensitive issue historically'. On a separate matter the Elected Body said at much of the directorate's workforce was visible to the community and that the Aboriginal and Torres Strait Islander people that were seen were role models for Indigenous children and the Indigenous community but also for the rest of the community who could see Aboriginal and Torres Strait Islander people participating in the economy.¹⁴⁷²
- 11.79 The Director-General stated: 'I want it to be a great place to work for everyone, including the Aboriginal and Torres Strait Islander community'.¹⁴⁷³

1468 ATSIEB, *Transcript of evidence*, 15 March 2018, p.204.

1469 Mr Jim Corrigan, *Transcript of evidence*, 15 March 2018, p.204.

1470 ATSIEB, *Transcript of evidence*, 15 March 2018, p.205.

1471 Mr Jim Corrigan, *Transcript of evidence*, 15 March 2018, p.205.

1472 ATSIEB, *Transcript of evidence*, 15 March 2018, p.205.

1473 Ms Emma Thomas, *Transcript of evidence*, 15 March 2018, p.206.



Elected Body comment

Summary

Written responses

- 11.80 Written responses by the Transport Canberra and City Services Directorate to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.
- 11.81 These included:
- the Aboriginal and Torres Strait Islander Community Bus provides on-demand transport to Indigenous people in the community¹⁴⁷⁴
 - various libraries undertake a range of activities—such as using Ngunnawal language in story time for International Mother Language Day, delivering programs for Koori kids, facilitating visits to a from a library by the Gugan Gulwan young mums' group¹⁴⁷⁵
 - employment of an Aboriginal and Torres Strait Islander Coordinator by Libraries ACT¹⁴⁷⁶
 - Birigai conduct Indigenous ranger programs that are presented by Murrumbung Rangers¹⁴⁷⁷
 - liaison regarding tree-related and heritage matters that may be of concern to local Indigenous communities¹⁴⁷⁸
 - implementation of the directorate's Diversity Employment Strategies¹⁴⁷⁹
 - employing 42 people who identified as Aboriginal or Torres Strait Islander and having 13 identified positions¹⁴⁸⁰
 - funding an annual scholarship for an Aboriginal and Torres Strait Islander employee¹⁴⁸¹
 - establishing an Indigenous peer support group to support and mentor Indigenous employees¹⁴⁸²
 - engaging local *Dharwa Aboriginal Cultural Tours* to deliver on-country Aboriginal and Torres Strait Islander cultural programs.¹⁴⁸³

Responses in hearings

- 11.82 Matters that were considered in some detail in hearings included the following.
- 11.83 In relation to cultural awareness training the Elected Body and representatives of the Transport Canberra and City Services Directorate discussed among other things the inclusion of Ngunnawal content in training and the conduct of on-country tours.¹⁴⁸⁴

1474 TCCS response to ATSIEB generic questions, November 2017, p.1.

1475 TCCS response to ATSIEB generic questions, November 2017, p.2.

1476 TCCS response to ATSIEB generic questions, November 2017, pp.2–3.

1477 TCCS response to ATSIEB generic questions, November 2017, p.3.

1478 TCCS response to ATSIEB generic questions, November 2017, p.3.

1479 TCCS response to ATSIEB generic questions, November 2017, p.3.

1480 TCCS response to ATSIEB generic questions, November 2017, p.4.

1481 TCCS response to ATSIEB generic questions, November 2017, p.5.

1482 TCCS response to ATSIEB generic questions, November 2017, p.5.

1483 TCCS response to ATSIEB generic questions, November 2017, p.9.

1484 *Transcript of evidence*, 15 March 2018, pp.190–91.



- 11.84 In relation to the accomplishments of programs and services the Elected Body and representatives of the Transport Canberra and City Services Directorate discussed among other things the completion of over 60 deliverables included in the directorate's Reconciliation Action Plan; various Libraries ACT programs and activities; the 'Serving Country' exhibition at Civic library; involvement in the link-up program relevant to the stolen generations; and the automatic purchase of publications from various Aboriginal and Torres Strait Islander publishers.¹⁴⁸⁵
- 11.85 In relation to the Aboriginal and Torres Strait Islander Community Bus the Elected Body and representatives of the Transport Canberra and City Services Directorate discussed among other things patronage of the bus, trips taken to Queensland on the bus; and transport to attend interstate funerals, and social and sporting events.¹⁴⁸⁶
- 11.86 In relation to employment strategies for Aboriginal and Torres Strait Islander people the Elected Body and representatives of the Transport Canberra and City Services Directorate discussed among other things the directorate's 'comprehensive employment strategy'; the focus on having a 'safe' culture in the workplace; attracting a diverse workforce; and the target for employing Aboriginal and Torres Strait Islander people that was included in the industry plan for the light rail project.¹⁴⁸⁷
- 11.87 In relation to the Reconciliation Action Plan achievements and commitment to self-determination the Elected Body and representatives of the Transport Canberra and City Services Directorate discussed among other things embedding an acknowledgment of country in standard meeting templates; library events; the bus wrap with artwork; and consultations to be undertaken with the Aboriginal and Torres Strait Islander community about public transport and better suburbs.¹⁴⁸⁸
- 11.88 In relation to business contracts the Elected Body and representatives of the Transport Canberra and City Services Directorate discussed among other things the training contract; and the minimum participation of Indigenous businesses included in procurement arrangements.¹⁴⁸⁹
- 11.89 In relation to recruitment and tender panels the Elected Body and representatives of the Transport Canberra and City Services Directorate discussed among other things that there was no exclusion of Aboriginal and Torres Strait Islander employees from recruitment panels; and recruitment panels for Identified and other positions.¹⁴⁹⁰
- 11.90 In relation to community consultation about changes to ACT public transport the Elected Body and representatives of the Transport Canberra and City Services Directorate discussed among other things changes to bus routes which impacted on transport access to health and other services; community consultations that were proposed; and the possibility of on-demand or demand-responsive bus services.¹⁴⁹¹
- 11.91 In relation to awareness of concession cards the Elected Body and representatives of the Transport Canberra and City Services Directorate discussed among other things ways to inform the community of their concession entitlements; and the use of the Indigenous 'wrap' bus to provide further information.¹⁴⁹²
- 11.92 In relation to cemeteries the Elected Body and representatives of the Transport Canberra and City Services Directorate discussed among other things the work of the Cemeteries Authority; concerns about media coverage regarding changes to 25-year burial plots; an ACT Legislative Assembly Standing Committee report of 2017; and that the removal and travel of Aboriginal and Torres Strait Islander remains was an historically sensitive issue.¹⁴⁹³

1485 *Transcript of evidence*, 15 March 2018, pp.190–93.

1486 *Transcript of evidence*, 15 March 2018, pp.193–94.

1487 *Transcript of evidence*, 15 March 2018, pp.194–97.

1488 *Transcript of evidence*, 15 March 2018, pp.198–99.

1489 *Transcript of evidence*, 15 March 2018, pp.199–200.

1490 *Transcript of evidence*, 15 March 2018, p.200.

1491 *Transcript of evidence*, 15 March 2018, pp.200–03.

1492 *Transcript of evidence*, 15 March 2018, pp.203–04.

1493 *Transcript of evidence*, 15 March 2018, pp.204–06.

Elected Body views and recommendations

- 11.93 The Elected Body notes that the Transport Canberra and City Services Directorate has carriage of many services that are of importance to Aboriginal and Torres Strait Islander people in the ACT.
- 11.94 In particular, it notes that the directorate's community bus program had enabled many members of the Aboriginal and Torres Strait Islander community to attend events of personal importance as well as events that had cultural significance for the wider community. It supports the continuation and expansion of the community bus program, particularly at times of increased demand for transport, to maximise the access of Aboriginal and Torres Strait Islander people to various cultural events, such as those which occur during NAIDOC Week and Reconciliation Week.
- 11.95 The Elected Body notes that there have recently been changes to bus routes in the ACT in light of bus patronage and it acknowledges that there may always be 'winners' and 'losers' in the community when such changes occur depending on individual transport requirements.
- 11.96 However, the Elected Body also notes that a number of members of the Aboriginal and Torres Strait Islander community in the ACT have recently expressed concern that their access to the Winnunga Aboriginal Health Service at Narrabundah and to the Aboriginal Youth service at Erindale has diminished as a result of changes in bus routes, and that people who access these services by public transport are now required to alight their bus a greater distance away.
- 11.97 The Elected Body also notes that the bus service to the Alexander Maconochie Centre is infrequent and that it does not always enable people to attend, or maximise the duration of their attendance at, the centre during its visiting hours. In this context, it also notes the advice that it has been given by some members of the Aboriginal and Torres Strait Islander community that procedures in place at the centre mean that it may take some time after arrival before a person who wishes to visit a detainee is admitted to the centre.
- 11.98 The Elected Body notes that the visiting hours at the AMC may change as well as the level of demand for a regular bus service to the centre however it emphasises its view that the services provided should be responsive to community need.
- 11.99 Indeed, responsiveness to need is an important principle which underpins the provision of programs and services by all directorates and agencies which assist Aboriginal and Torres Strait Islander people.
- 11.100 In light of the above the Elected Body makes the following recommendations.

RECOMMENDATION 21

- 11.101 **The Elected Body recommends that all ACT Government directorates and agencies ensure that the programs and services that they provide which assist Aboriginal and Torres Strait Islander people are planned and implemented to be responsive to current and any future changes in community needs.**

12 HEALTH DIRECTORATE



Introduction

- 12.1 Officers of the Health Directorate (ACT Health) appeared before the ATSIEB in hearings on 15 March 2018.
- 12.2 The directorate's responses to the Elected Body's generic questions and witness testimony from hearings are considered below.

Responses to generic questions

1 Equitable Access and increased impact

- 12.3 In its written response to the Elected Body's first generic question the directorate indicated that:
- ACT Health seeks to improve the outcomes of Aboriginal and Torres Strait Islander peoples by maintaining dedicated liaison services which 'support Aboriginal and Torres Strait Islander peoples to access healthcare in mainstream settings'.¹⁴⁹⁴ These include:
 - providing hospital-based services to work with families to — improve communication between medical and hospital staff and patients and their family; offer emotional, social and cultural support; provide information about hospital and other health services; and assist patients and families with referral to external agencies and other supports¹⁴⁹⁵
 - providing 'liaison officers for mental health and alcohol and other drug services'.¹⁴⁹⁶
 - ACT Health maintains relationships and funding agreements with community-controlled organisations.¹⁴⁹⁷
 - The Minister for Health and Wellbeing opened the Ngunnawal Bush Healing Farm in September 2017. ACT Health intends to develop a tender in mid-2018 for the Ngunnawal Bush Healing Farm to have a residential program by the end of 2018 subject to a service provider being sourced for the program.¹⁴⁹⁸
 - The Review of the Model of Care of Aboriginal and Torres Strait Islander Health Service, Canberra Hospital and Health Services by an external consultant had commenced with two Aboriginal and Torres Strait Islander Community representatives on the steering committee.¹⁴⁹⁹
 - ACT Health disseminates information resources and provides cultural awareness training to staff 'to ensure that they are informed of the issues relating to access and provision of culturally-appropriate services for Aboriginal and Torres Strait Islander peoples'.¹⁵⁰⁰

2 Implementation of the ACT Aboriginal and Torres Strait Islander Agreement

- 12.4 In its written response to the Elected Body's second generic question the directorate indicated that:
- ACT Health is implementing the ACT Aboriginal and Torres Street Islander Agreement by:

1494 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.1.

1495 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.1.

1496 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.1.

1497 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.1.

1498 ACT Health Directorate response to ATSIEB generic questions, November 2017, pp.1–2.

1499 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.2.

1500 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.2.



- ensuring that the traditional custodians, the Ngunnawal People, are acknowledged at all ACT Health meetings and events and that cultural protocols are in place and followed to support these practices¹⁵⁰¹
- developing and implementing an ACT Aboriginal and Torres Strait Islander Health Plan which sets the strategic direction and priorities for improving the health and wellbeing of Aboriginal and Torres Strait Islander peoples in the ACT region¹⁵⁰²
- making the health of Aboriginal and Torres Strait Islander peoples a priority as part of the *Territory-wide Services Plan*¹⁵⁰³
- implementing the *ACT Health Aboriginal and Torres Strait Islander Workforce Action Plan 2013–18* to support Aboriginal and Torres Strait Islander peoples to enter and remain in the health workforce¹⁵⁰⁴
- implementing *ACT Health Guidelines for Engaging and Consulting with the Aboriginal and Torres Strait Islander Communities in the ACT*¹⁵⁰⁵
- ACT Health has created an Aboriginal and Torres Strait Islander Practice Centre led by an identified Aboriginal or Torres Strait Islander manager to ensure that 'Aboriginal and Torres Strait Islander perspectives [are] incorporated into all activities of ACT Health'.¹⁵⁰⁶

3 Aboriginal and Torres Strait Islander Organisations and Community

12.5 In its written response to the Elected Body's third generic question the directorate indicated that:

- ACT Health maintains relationships with community-controlled organisations' and engages with them through forums such as the Aboriginal and Torres Strait Islander Health Coordination Group.¹⁵⁰⁷
- ACT Health seeks to include Aboriginal and Torres Strait Islander stakeholders and community representatives on all relevant ACT Health Committees.¹⁵⁰⁸
- The Director-General of ACT Health meets with ATSIEB's Health portfolio representative.¹⁵⁰⁹

4 Increased knowledge of the Agreement amongst staff

12.6 In its written response to the Elected Body's fourth generic question the directorate indicated that:

- The Agreement is available on the following ACT Health websites:
 - the internal ACT Health HealthHub via the Policy and Clinical Guidance Register¹⁵¹⁰
 - the external ACT Health website under Research and Publications—Policy and Plans¹⁵¹¹
 - the external ACT Health Aboriginal and Torres Strait Islander Health Portal via Aboriginal and Torres Strait Islander Representative Bodies and Policies.¹⁵¹²
- Information about the Agreement will also be incorporated into ACT Health's Corporate Orientation presentation on Aboriginal and Torres Strait Islander Health and the revised Aboriginal and Torres Strait Islander eLearning module.¹⁵¹³

1501 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.2.

1502 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.2.

1503 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.3.

1504 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.3.

1505 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.3.

1506 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.3.

1507 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.3.

1508 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.3.

1509 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.3.

1510 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.3.

1511 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.3.

1512 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.3.

1513 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.4.



5 Aboriginal and Torres Strait Islander staffing profile

12.7 In its written response to the Elected Body's fifth generic question the directorate indicated that:

- ACT Health currently employs 78 Aboriginal and Torres Strait Islander staff (56 females and 22 males) which equates to 1.03 per cent of its workforce.¹⁵¹⁴
- Aboriginal and Torres Strait Islander staff are employed across various classification groups.¹⁵¹⁵
- All staff are encouraged to update their equity and diversity details on the HR21 system to assist ACT Government with the development of equity and diversity programs and for statistical and reporting purposes.¹⁵¹⁶
- ACT Health 'is working collaboratively with business areas to increase the retention of Aboriginal and Torres Strait Islander employees and the development of their career pathways'.¹⁵¹⁷

6 Aboriginal and Torres Strait Islander leadership

12.8 In its written response to the Elected Body's sixth generic question the directorate indicated that:

- The directorate supported candidates to the CMTEDD Aboriginal and Torres Strait Islander Leadership Program which was held this year.¹⁵¹⁸

7 Management positions

12.9 In its written response to the Elected Body's seventh generic question the directorate indicated that:

*There are two management positions within ACT Health—Manager, Ngunnawal Bush Healing Farm and Manager, Aboriginal and Torres Strait Islander Practice Centre. Both these positions are not designated positions and work is underway to rectify designated position numbers.*¹⁵¹⁹

8 Focused and effective services

12.10 In its written response to the Elected Body's eighth generic question the directorate indicated that:

- The progress and implementation of health services in the ACT is monitored through mechanisms such as the annual *Report of Government Services*, the *Indigenous Expenditure Report*, the *Chief Health Officers Report* and reports published by the Australian Institute of Health and Welfare (AIHW).¹⁵²⁰
- ACT Health uses forums and consultation activities 'to review and better target services to meet the needs of Aboriginal and Torres Strait Islanders'.¹⁵²¹
- The Ngunnawal Bush Healing Farm is 'a positive step in addressing the needs of Aboriginal and Torres Strait Islander people'.¹⁵²²

1514 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.4.

1515 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.4.

1516 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.4.

1517 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.4.

1518 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.4.

1519 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.4.

1520 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.5.

1521 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.5.

1522 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.5.



9 Effective policy development and policy impact

12.11 In its written response to the Elected Body's ninth generic question the directorate indicated that:

- ACT Health requires that there is a community consultation process for all new major policy strategies, this includes consultation with the Aboriginal and Torres Strait Islander community.¹⁵²³
- All tier one ACT Health policies are required to complete an Aboriginal and Torres Strait Islander Health Impact Statement. The template for this statement 'is designed to assist staff to consider and incorporate research information and evidence of the health needs of the ACT Aboriginal and Torres Strait Islander communities in the preparation and development of appropriate ACT Health policies, procedures, programs and strategies, and to demonstrate evidence of having consulted with key stakeholders'.¹⁵²⁴
- ACT Health 'ensures that key policies related to Aboriginal and Torres Strait Islander health are accessible to staff on the policy register, that staff are consulted when reviews of these documents are undertaken and that staff are notified of new versions of these documents via the Director-General all staff bulletins'.¹⁵²⁵
- The Aboriginal and Torres Strait Islander Practice Centre will 'have a key role in developing and disseminating policy and ensuring that the views and experiences of Aboriginal and Torres Strait Islanders are considered as part of the policy process'.¹⁵²⁶

10 Budget allocations to programs, services and clients

12.12 In its written response to the Elected Body's tenth generic question the directorate indicated that:

- The Productivity Commission's recent *Indigenous Expenditure Report* 'indicates that the ACT Government invested more than \$77 million dollars in the 2015–16 financial year on direct services to Aboriginal and Torres Strait Islander peoples in the ACT.' This equates to 'an expenditure of \$10,894 per person for Aboriginal and Torres Strait Islanders, compared to \$3404 for non-Indigenous Canberrans'.¹⁵²⁷
- The report also indicated that '32.6 per cent of all government (ACT and Australian Government) expenditure on Aboriginal and Torres Strait Islander health is used towards the cost of provision'.¹⁵²⁸
- 'ACT Health continues to investigate ways to close the gap between Aboriginal and Torres Strait Islander peoples and non-Indigenous Canberrans'. It is 'investing in additional services and examining new approaches to care, not only to ensure value for money but more importantly to ensure that the services are delivering the best care and outcomes possible'.¹⁵²⁹
- The Ngunnawal Bush Healing Farm is 'a new service and service type for ACT Health, which is designed to address root cause issues and historical traumas which have led to poor health outcomes for Aboriginal and Torres Strait Islanders'.¹⁵³⁰
- ACT Health is working closely with Winnunga Nimmityjah Aboriginal Community Services on the design and development of a new health facility dedicated to the needs of Aboriginal and Torres Strait Islanders.¹⁵³¹

¹⁵²³ ACT Health Directorate response to ATSIEB generic questions, November 2017, p.5.

¹⁵²⁴ ACT Health Directorate response to ATSIEB generic questions, November 2017, p.5.

¹⁵²⁵ ACT Health Directorate response to ATSIEB generic questions, November 2017, p.5.

¹⁵²⁶ ACT Health Directorate response to ATSIEB generic questions, November 2017, p.5.

¹⁵²⁷ ACT Health Directorate response to ATSIEB generic questions, November 2017, p.6.

¹⁵²⁸ ACT Health Directorate response to ATSIEB generic questions, November 2017, p.6.

¹⁵²⁹ ACT Health Directorate response to ATSIEB generic questions, November 2017, p.6.

¹⁵³⁰ ACT Health Directorate response to ATSIEB generic questions, November 2017, p.6.

¹⁵³¹ ACT Health Directorate response to ATSIEB generic questions, November 2017, p.6.



11 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff

12.13 In its written response to the Elected Body's eleventh generic question the directorate indicated that:

- ACT Health has established an *Aboriginal and Torres Strait Islander Health Workforce Support Network* which 'provides an opportunity for Aboriginal and Torres Strait Islander staff to come together to share information and ideas, strengthen the network of Aboriginal and Torres Strait Islander health care workers in the ACT and region and support its members'.¹⁵³² Information about the network and support services on improving the health and wellbeing of all staff are promoted by ACT Health's *MyHealth* initiative.¹⁵³³

12 Aboriginal and Torres Strait Islander cultural awareness training

12.14 In its written response to the Elected Body's twelfth generic question the directorate indicated that:

- ACT Health is committed 'to provide cultural awareness training and skills development for all staff' and it advised that this commitment is affirmed in the *ACT Health Aboriginal and Torres Strait Islander Health Workforce Action Plan 2013–18* and the *ACT Health Stretch Reconciliation Action Plan 2015–18*.¹⁵³⁴
- In 2016–17, '948 staff completed ACT Health's Corporate Orientation and ... 243 staff completed the Aboriginal and Torres Strait Islander eLearning course'.¹⁵³⁵
- The Aboriginal and Torres Strait Islander Practice Centre will be working with Staff Development Unit (SDU) to develop a face-to-face Aboriginal and Torres Strait Islander training package for clients and staff in the directorate. Since the inception of the Aboriginal and Torres Strait Islander Practice Centre [on] 18 September 2017, there has been a significant increase to 40 per cent PSR staff having completed eLearning Course.¹⁵³⁶

13 Building on knowledge obtained through cultural awareness training

12.15 In its written response to the Elected Body's thirteenth generic question the directorate indicated that:

- 'The Policy and Stakeholder Relations Branch is responsible for providing advice to ACT Health and the ACT Government to meet the health needs of the community'.¹⁵³⁷ The Branch:
 - contributes 'to the creation of policy settings that ensure the right care can be accessed in the right place, the right way and the right time'¹⁵³⁸
 - has 'recently undertaken a change program to increase its capacity to deliver holistic and strategic policy across the spectrum of health related topics and issues'. A 'new structure has been implemented which breaks down the former siloed topic based approach, ... allows for greater flexibility in addressing complex issues and/or issues that do not fit within the remit of previous units, ... [and] supports a more consistent and effective approach to procurement and other business processes'¹⁵³⁹
 - has five units including: Aboriginal and Torres Strait Islander Practice Centre; Branch Operations Unit; Health Policy; Mental Health Policy; and Office of the Executive Director and Strategic Support¹⁵⁴⁰

1532 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.6.

1533 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.7.

1534 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.7.

1535 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.7.

1536 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.7.

1537 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.7.

1538 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.7.

1539 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.7.

1540 ACT Health Directorate response to ATSIEB generic questions, November 2017, pp.7–8.



- The practice centre will:
 - make Aboriginal and Torres Strait Islander Health and [sic] essential and fundamental consideration in all policy development and service provision ¹⁵⁴¹
 - infuse cultural knowledge and provide guidance to Policy and Stakeholder Relations and the broader directorate ¹⁵⁴²
 - advocate for Aboriginal and Torres Strait Islander people's health care status, needs and interests between government and community. ¹⁵⁴³

Hearings

12.16 Representatives of ACT Health appeared before the ATSIEB in hearings on 15 March 2018.

Matters considered

- 12.17 Matters considered in the course of the hearings included:
- Aboriginal and Torres Strait Islander events attended by the Ministers ¹⁵⁴⁴
 - cultural awareness training ¹⁵⁴⁵
 - employment of Aboriginal and Torres Strait Islander people ¹⁵⁴⁶
 - the Ngunnawal Bush Healing Farm ¹⁵⁴⁷
 - the Aboriginal Liaison Unit at Canberra Hospital ¹⁵⁴⁸
 - services funded through ACT Health service funding agreements ¹⁵⁴⁹
 - the Regional Mental Health and Suicide Prevention Plan ¹⁵⁵⁰
 - diversionary options for Aboriginal and Torres Strait Islander offenders ¹⁵⁵¹
 - Aboriginal and Torres Strait Islander detainees at the AMC on methadone. ¹⁵⁵²

Key issues

Aboriginal and Torres Strait Islander events attended by the Ministers

12.18 The Elected Body asked ACT Health representatives about the Aboriginal and Torres Strait Islander events that both Ministers had attended in the previous three years. ¹⁵⁵³

12.19 This question was taken on notice. ¹⁵⁵⁴

1541 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.8.

1542 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.8.

1543 ACT Health Directorate response to ATSIEB generic questions, November 2017, p.8.

1544 *Transcript of evidence*, 15 March 2018, p.209.

1545 *Transcript of evidence*, 15 March 2018, pp.209–10; 219.

1546 *Transcript of evidence*, 15 March 2018, pp.218–19.

1547 *Transcript of evidence*, 15 March 2018, pp.210–17; 226–27.

1548 *Transcript of evidence*, 15 March 2018, pp.217–18.

1549 *Transcript of evidence*, 15 March 2018, pp.219–20.

1550 *Transcript of evidence*, 15 March 2018, pp.220–22.

1551 *Transcript of evidence*, 15 March 2018, pp.223–24.

1552 *Transcript of evidence*, 15 March 2018, pp.224–25.

1553 ATSIEB, *Transcript of evidence*, 15 March 2018, p. 209.

1554 Ms Nicole Feely, *Transcript of evidence*, 15 March 2018, p. 209.



12.20 The response to this Question Taken on Notice advised that since the ACT Government election in 2016 the Minister for Health and Wellbeing had attended three Aboriginal and Torres Strait Islander specific events in the capacity of Minister for Health and Wellbeing, while the Minister for Mental Health had not attended any Aboriginal and Torres Strait Islander specific events in the capacity of Minister for Mental Health.¹⁵⁵⁵

Cultural awareness training

- 12.21 The Elected Body asked whether the cultural awareness training that was provided to staff covered Ngunnawal and/or Traditional Custodian content and if it was delivered by a local provider.¹⁵⁵⁶
- 12.22 The Deputy Director-General, Quality, Governance and Risk advised that the training had three components. The first was corporate orientation training. She also said that 85 per cent of ACT Health staff had completed the online eLearning system and that a face-to-face orientation for staff in relation to Aboriginal and Torres Strait Islander peoples was being developed. It was agreed that additional information about that training would be provided to the Elected Body on notice.¹⁵⁵⁷
- 12.23 The additional information that was provided on notice advised that the monthly face-to-face orientation provided to all new staff and the eLearning module that can be accessed by staff cover content of the Traditional Custodians—the Ngunnawal people. In addition 'Working with Aboriginal and Torres Strait Islander patients and clients (eLearning 2016)' teaches important skills. The response said that in 2018–19 ACT Health will review the eLearning package and that 'the development of a refresher Aboriginal and Torres Strait Islander cultural awareness training will require staff to complete cultural awareness refresher training every three years'.¹⁵⁵⁸
- 12.24 Later in the hearing the Elected Body asked ACT Health representatives whether all of the directorate's senior executives had completed cultural awareness training and if not whether there was a timeframe.¹⁵⁵⁹
- 12.25 The response to this Question Taken on Notice advised among other things that thirty executives in ACT Health had completed the Aboriginal and Torres Strait Islander Cultural Awareness eLearning module. The response also advised:

With the next reiteration of the Reconciliation Action Plan 2019–2022 due to be developed, a target area within the plan will instructs [sic] that all staff including Executive must complete cultural awareness training within three months from their commencement date...

*ACT Health, through the Aboriginal and Torres Strait Islander Practice Centre during 2018–19 will undertake a review of the package with the Staff Development Unit to ensure that there is an effective cultural awareness program such as face-to-face delivery, which also includes 'Ngunnawal' aspects to acknowledge the traditional custodians.*¹⁵⁶⁰

Employment of Aboriginal and Torres Strait Islander people

12.26 During the hearing the Elected Body was interested to know how ACT Health ensured that the community was represented on selection panels especially where that impacts on Aboriginal and Torres Strait Islander people.¹⁵⁶¹

¹⁵⁵⁵ Mr Michael De'Ath, Response to Question Taken on Notice at hearings of 15 March 2018, signed 4 April 2018.

¹⁵⁵⁶ ATSIEB, *Transcript of evidence*, 15 March 2018, p.209.

¹⁵⁵⁷ Ms Jane Murkin, *Transcript of evidence*, 15 March 2018, pp.209–10.

¹⁵⁵⁸ Mr Michael De'Ath, Response to Question Taken on Notice at hearings of 15 March 2018, signed 16 April 2018.

¹⁵⁵⁹ ATSIEB, *Transcript of evidence*, 15 March 2018, p.219.

¹⁵⁶⁰ Mr Michael De'Ath, Response to Question Taken on Notice at hearings of 15 March 2018, signed 16 April 2018.

¹⁵⁶¹ ATSIEB, *Transcript of evidence*, 15 March 2018, p.218.



- 12.27 The Director-General advised that an appropriate person would be included on a recruitment panel for an Aboriginal and Torres Strait Islander designated position but more generally 'it would depend on the nature of the role and availability'.¹⁵⁶²
- 12.28 A question asked by the Elected Body whether the directorate had explored 'opportunities to formalise a link between the ACT public service Muranga Muranga employee network and the ACT Health Aboriginal and Torres Strait Islander health workforce support network' as indicated at the ATSIEB hearings in 2017 was taken on notice.¹⁵⁶³
- 12.29 The response to this Question Taken on Notice advised among other things that:

*Work had been undertaken in relation to formalising a relationship between both groups within ACT Health, but this will need to be reviewed by the Aboriginal and Torres Strait Islander Practice Centre and the People and Culture Branch further.*¹⁵⁶⁴

The Ngunnawal Bush Healing Farm

- 12.30 The Elected Body noted that ACT Health had indicated its intention to develop a tender for a residential program to be introduced at the Ngunnawal Bush Healing Farm by the end of 2018. It was interested to know whether it would incorporate culturally-appropriate residential drug and alcohol treatment as had previously been recommended by the Elected Body.
- 12.31 The Director-General stressed that the opening of residential treatment or residential services at the farm by the end of 2018 would depend on when ACT Health called for tenders and whether people with the right cultural background applied to run the residential component. She also said that drug and alcohol detox medical services will not be provided at the farm centre 'because the permits do not allow that sort of service to be provided out there'.¹⁵⁶⁵
- 12.32 The Acting Program Director, Ngunnawal Bush Healing Farm said that planning will be undertaken throughout 2018 to develop a proposal for 'a residential mode' early in 2019 depending 'on what happens if we go to market and whether there is an organisation that can deliver the type of service that we want to deliver'. He reiterated that no rehabilitation services would be provided at the farm, but a 'healing framework' would 'be delivered by the healing foundation, which has a very strong cultural element to it'.¹⁵⁶⁶
- 12.33 The Elected Body said that a spokesperson for ACT Health told *The Canberra Times* in May 2017 that the programs or services to be offered at the Ngunnawal Bush Healing Farm would focus on 'behaviour that drives addictions'. It asked how ACT Health defined that and what services currently provided at the farm focus on that behaviour.¹⁵⁶⁷
- 12.34 In his response the Acting Program Director, Ngunnawal Bush Healing Farm explained that they were trying to get people to understand the 'underlying issues' to their addiction or the decisions they make about 'why they drink alcohol or take drugs' and 'to give them some training and tools to be able to make their decisions about their use of illicit drugs or alcohol'.¹⁵⁶⁸ He also said that late in 2017 a five-week program was delivered at the farm in which one of the service providers delivered a mindfulness program which dealt with people's decision making.¹⁵⁶⁹

1562 Ms Nicole Feely, *Transcript of evidence*, 15 March 2018, p.219.

1563 Ms Nicole Feely, *Transcript of evidence*, 15 March 2018, p.219.

1564 Mr Michael De'Ath, Response to Question Taken on Notice at hearings of 15 March 2018, signed 11 April 2018.

1565 Ms Nicole Feely, *Transcript of evidence*, 15 March 2018, p.210.

1566 Mr Oliver Kickett, *Transcript of evidence*, 15 March 2018, p.210.

1567 ATSIEB, *Transcript of evidence*, 15 March 2018, p. 210.

1568 Mr Oliver Kickett, *Transcript of evidence*, 15 March 2018, pp.210–11.

1569 Mr Oliver Kickett, *Transcript of evidence*, 15 March 2018, p.211.



- 12.35 The Elected Body was interested to know what ACT Health was doing to facilitate referrals to the farm from Winnunga Nimmityjah Aboriginal Health Service and Gugan Gulwan Aboriginal Corporation.¹⁵⁷⁰
- 12.36 It heard that the referral process at the time was 'mainly through ACT corrections' and that there was a panel of experts to assess people who need to come through formal processes. It was explained that even though the farm programs weren't currently running the referral process was ongoing and that staff at the farm were 'dealing with potential clients' as well as case work for people who were previously on the program and who may return.¹⁵⁷¹
- 12.37 During discussion, the Elected Body also heard that six people had attended the program at the farm at the end of 2017.¹⁵⁷²
- 12.38 As to whether clients were required to pass a 'cultural readiness test' as had been reported in *The Canberra Times*, the question was taken on notice. Additional questions about the criteria for meeting the test, who created it, and the extent of Indigenous involvement in its development were also taken on notice.¹⁵⁷³
- 12.39 The response to the above Questions Taken on Notice advised among other things that a statement that clients have to meet a 'cultural readiness' test was not provided to *The Canberra Times* as was reported on 4 September 2017 and that *The Canberra Times* had misrepresented the Cultural Evaluation Panel. It advised among other things: 'Cultural readiness is not an assessment about their culture but their cultural readiness to engage in a journey of recovery and healing'.¹⁵⁷⁴
- 12.40 The Elected Body wanted to know what ACT Health was doing to increase the number of people who undertake the program at the farm and posed a question whether the money that had been expended on the healing farm may have been better spent to assist more people in the community.¹⁵⁷⁵
- 12.41 In his response the Acting Program Director, Ngunnawal Bush Healing Farm explained that the criteria used for the programs at the farm 'will exclude a significant proportion of our community' and transporting 'anything more than ten to 15 people' to the farm which is 30 minutes from town is 'a logistical nightmare' and the 'smaller number is easier to manage with the number of staff'.¹⁵⁷⁶
- 12.42 The Elected Body then asked: 'But how would you justify that to the community who see the dollar amount that was spent on the healing farm and then want to know whether that money could have been spent to greater effect on other projects and programs to benefit more of the community?'.¹⁵⁷⁷
- 12.43 The question was initially taken on notice, but the Director-General responded, saying that it was 'early days'. She said that there had been 'a lot of community involvement', the community had supported getting the farm up 'for a long time', and the numbers were low but the farm had started and the response was positive. She said that a communication plan had been developed in response to 'some negativity about accessing the services' and while she said she understood 'the frustration' she thought the farm had enormous potential. She stated: 'We are starting, and we are absolutely committed to trying to make it work. I am hoping that in time the community will see that we have had a bit of a rocky start but we are on the right path now'.¹⁵⁷⁸

1570 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.211.

1571 Mr Oliver Kickett, *Transcript of evidence*, 15 March 2018, p.211.

1572 Mr Oliver Kickett, *Transcript of evidence*, 15 March 2018, p.211.

1573 Mr Oliver Kickett, *Transcript of evidence*, 15 March 2018, p.211.

1574 Mr Michael De'Ath, Response to Question Taken on Notice at hearings of 15 March 2018, signed 23 April 2018.

1575 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.211.

1576 Mr Oliver Kickett, *Transcript of evidence*, 15 March 2018, p.212.

1577 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.212.

1578 Ms Nicole Feely, *Transcript of evidence*, 15 March 2018, p.212.



12.44 The Deputy Director-General, Innovation added that because of the criteria used—which she said had been ‘worked through extensively with the advisory board’—‘there were a lot more people who expressed interest in going for the first program than were able to attend’. She said that the criteria were being assessed ‘to see whether perhaps they were too narrow and could be expanded somewhat to support more participants’.¹⁵⁷⁹

12.45 In responding, the Elected Body said: ‘... but surely the criteria for selection of people and the transport logistics are not something that you only found out about six months into this program’. It asked: ‘What has been the planning around addressing those issues over the past few years?’.¹⁵⁸⁰

12.46 During discussion the Elected Body was told that the criteria ‘that people were to be drug and alcohol free when they came in’ had been set by the advisory board ‘last year’.¹⁵⁸¹ When it then asked why there wasn’t anyone out at the farm now,¹⁵⁸² the Deputy Director-General, Innovation responded:

*There was clearly confusion, which ACT Health was absolutely contributing to, which the minister has acknowledged, about the purposes of the bush healing farm.*¹⁵⁸³

12.47 The Elected Body expressed the view that ‘the decisions about who was coming out and even what the limited numbers and the transport for that’ could have been known for at least six months, and then asked what the plan was’.¹⁵⁸⁴ It heard that the plan was ‘to have a second program that applies the same criteria as the first and hopefully get more people benefiting who will become champions of the program’.¹⁵⁸⁵

12.48 In response to a question asked by the Elected Body about when the next program was starting,¹⁵⁸⁶ the Acting Program Director, Ngunnawal Bush Healing Farm advised that they were ‘about to re-engage the service providers that were on the first program ... for April and hopefully start in April, May, or thereabouts.’ He also said that they were ‘going to market for a new group of service providers to add to the current list of five ...’.¹⁵⁸⁷

12.49 During discussion it emerged that there was a three and a half months gap between programs. The Elected Body was then told that a ‘fairly comprehensive tender process’ had started and that efforts were being made ‘to make sure we get something going as quickly as we can and also to make sure we get other complementary service providers to come on board to provide additional support for people on the program’.¹⁵⁸⁸

12.50 In her response, the Director-General assured the Elected Body that ‘the team are trying their hardest to pull it together for the next round’.¹⁵⁸⁹

12.51 When the Elected Body expressed concern that ‘the stop-start will keep happening’ the Director-General stated:

*That is definitely not the plan. What we would like to do is put the communication strategy out and then have these sessions locked in with the providers for the rest of the year, at the same time going out to try to find a provider to provide a residential program. Over the next nine months we would like to see a series of these happening.*¹⁵⁹⁰

1579 Mrs Mary Wood, *Transcript of evidence*, 15 March 2018, p.213.

1580 ATSIIEB, *Transcript of evidence*, 15 March 2018, p. 213.

1581 Ms Nicole Feely/Mrs Mary Wood, *Transcript of evidence*, 15 March 2018, p.213.

1582 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.213.

1583 Mrs Mary Wood, *Transcript of evidence*, 15 March 2018, p.213.

1584 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.213.

1585 Mrs Mary Wood, *Transcript of evidence*, 15 March 2018, p.213.

1586 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.213.

1587 Mr Oliver Kickett, *Transcript of evidence*, 15 March 2018, p.214.

1588 Mr Oliver Kickett, *Transcript of evidence*, 15 March 2018, p.214.

1589 Ms Nicole Feely, *Transcript of evidence*, 15 March 2018, p.214.

1590 Ms Nicole Feely, *Transcript of evidence*, 15 March 2018, p.214.



- 12.52 The Elected Body noted that 'the Ngunnawal Bush Healing Farm cannot offer residential drug and alcohol clinical treatment services due to land use zoning regulations'. It wanted to know what ACT Health was doing 'to ensure that places are reserved for Aboriginal and Torres Strait Islander people at ACT and regional facilities that do offer those programs'.¹⁵⁹¹
- 12.53 The response to this Question Taken on Notice advised:
- The Division of Mental Health, Justice Health and Alcohol and Drug Services (MHJHADS) within Canberra Hospital and Health Services does not have any rehabilitation beds and no ability to influence holding of places for patients.*¹⁵⁹²
- 12.54 During discussion the Director-General advised that there were 'two Aboriginal and Torres Strait Islander identified beds' at the inpatient service at Canberra Hospital.¹⁵⁹³
- 12.55 However the Executive Director, Mental Health, Justice Health and Alcohol and Drug Services said that there was 'a ten-bed inpatient unit' and that priority was given 'across all of the ten beds to a number of groups of people, one of which is Aboriginal and Torres Strait Islander people'.¹⁵⁹⁴
- 12.56 As to the proportion of people who were admitted who are Aboriginal and Torres Strait Islanders, the question was taken on notice.
- 12.57 During discussion about the utilisation of beds in the service, the Elected Body was advised:
- Our medicated withdrawal unit has a length of stay of about five days. That is under the care of an addictions physician. Bed utilisation there is somewhere between 65 and 70 per cent.*¹⁵⁹⁵
- 12.58 The Elected Body was also advised that 'once they have gone through a medicated withdrawal process' people 'then need to continue their care in a rehab unit'. The question about utilisation in community-based rehabilitation units was taken on notice.¹⁵⁹⁶
- 12.59 The Executive Director, Policy and Stakeholder Relations said that there were a range of residential rehabilitation beds in the non-government sector and that reporting indicates that at any one time about 12 per cent of those beds were utilised by Aboriginal and Torres Strait Islander people. He also said that when a snapshot survey was undertaken on a single day about 24 per cent of the beds were utilised by Aboriginal and Torres Strait Islander people. He said that indicated that there was access but a question that remained was 'whether we have enough'.¹⁵⁹⁷
- 12.60 The Elected Body then asked how it was known who was not accessing yet wanted to that night¹⁵⁹⁸ and it heard: '... we need to look at the depth of access required. No-one around the country has that answer specifically at the moment. That is something we do need to keep working on'.¹⁵⁹⁹
- 12.61 A question asked by the Elected Body about 'data on turn-aways' was then taken on notice.¹⁶⁰⁰ The response to this Question Taken on Notice advised that ACT Health does not collect data on turn-aways.¹⁶⁰¹

1591 ATSIIEB, *Transcript of evidence*, 15 March 2018, pp.214–15.

1592 Mr Michael De'Ath, Response to Question Taken on Notice at hearings of 15 March 2018, signed 23 April 2018.

1593 Ms Nicole Feely, *Transcript of evidence*, 15 March 2018, p.215.

1594 Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, p.215.

1595 Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, p.215.

1596 Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, p.215.

1597 Mr Matthew Richter, *Transcript of evidence*, 15 March 2018, p.216.

1598 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.216.

1599 Mr Matthew Richter, *Transcript of evidence*, 15 March 2018, p.216.

1600 Mr Matthew Richter, *Transcript of evidence*, 15 March 2018, p.216.

1601 Mr Michael De'Ath, Response to Question Taken on Notice at hearings of 15 March 2018, signed 12 April 2018.



- 12.62 Later in the hearing discussion returned to the issue concerning the representation of Aboriginal and Torres Strait Islanders among admissions to the withdrawal unit at Canberra Hospital.
- 12.63 The Executive Director, Mental Health, Justice Health and Alcohol and Drug Services advised that from December 2017 to February 2018 there were four Aboriginal and Torres Strait Islander admissions to the unit and each was for a five-night stay. She also advised that the length of stay may increase if there was no immediate rehab bed for a person to go to. The Executive Director stated: 'That is about two of ten, taking into account the 65 per cent bed occupancy rate'.¹⁶⁰²
- 12.64 As to whether those four people got into rehabilitation from the detoxification unit, the question was taken on notice, though the Elected Body was told that the model of care is that people do not receive medicated detoxification in the unit unless they have a discharge destination. Sometimes a person may enter a rehab unit that is interstate.¹⁶⁰³
- 12.65 The Elected Body inquired again specifically about the Ngunnawal Bush Healing Farm and asked what ACT Health was doing 'to progress the possibility of rezoning the land that the healing farm is built on so that residential clinical services can be provided on site'.¹⁶⁰⁴ It heard that it was 'a decision for government' and that ACT Health was 'not currently progressing it'.¹⁶⁰⁵
- 12.66 The Elected Body referred to a press release in October 2007 by the former Chief Minister Jon Stanhope which 'outlined plans for an Indigenous drug and rehabilitation centre.' The Elected Body asked why ACT Health had never developed a budget bid for such a centre given the land use issues with the Healing Farm.¹⁶⁰⁶
- 12.67 The Director-General said that she was not able to answer a question about why something had not been done prior to her starting in 2015 but that whether there is a 'need to progress recommendations to government on such a building and such a service are active considerations as we look at the drug and alcohol and addiction service process' in territory-wide planning that was being looked at.¹⁶⁰⁷
- 12.68 During the discussion which followed, the Elected Body heard that the Ngunnawal Bush Healing Farm advisory board had not dissolved but that it had not met since before the last program. It also heard that another governance structure was required as the farm had moved from a project to a program management stage. The Acting Program Director, Ngunnawal Bush Healing Farm told the Elected Body that the aim was 'to build a board around the sector so that people can provide input' and that the Elected Body and the community would be consulted on 'what that will look like'.¹⁶⁰⁸
- 12.69 Later in the hearing the Elected Body sought information about the interim governance arrangements in place to guide the advice for the farm from the Aboriginal and Torres Strait Islander community. It was then advised that no official notification had been given to members of the advisory board for the farm.¹⁶⁰⁹ The Executive Director, Policy and Stakeholder relations confirmed that the advisory board had not been formally disbanded and advice would be provided about options for the governance framework going forward. He also said that there had been communication with some members of the board but not with the group as a whole and that was 'a failing'.¹⁶¹⁰

¹⁶⁰² Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, pp. 222–23.

¹⁶⁰³ Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, p.225.

¹⁶⁰⁴ ATSIIEB, *Transcript of evidence*, 15 March 2018, p.216.

¹⁶⁰⁵ Mrs Mary Wood, *Transcript of evidence*, 15 March 2018, p.216.

¹⁶⁰⁶ ATSIIEB, *Transcript of evidence*, 15 March 2018, p.216.

¹⁶⁰⁷ Ms Nicole Feely, *Transcript of evidence*, 15 March 2018, p.217.

¹⁶⁰⁸ Mr Oliver Kickett, *Transcript of evidence*, 15 March 2018, p.217.

¹⁶⁰⁹ Mr Oliver Kickett, *Transcript of evidence*, 15 March 2018, p.226.

¹⁶¹⁰ Mr Matthew Richter, *Transcript of evidence*, 15 March 2018, p.227.



The Aboriginal Liaison Unit at Canberra Hospital

12.70 The Elected Body asked why the room to accommodate Aboriginal and Torres Strait Islander people at the Canberra Hospital was located so far away from the Aboriginal Liaison Unit.¹⁶¹¹

12.71 This question was taken on notice.¹⁶¹²

12.72 The response to this Question Taken on Notice advised among other things that:

The Wamburrang Room is located in the main hospital building one, level three where the majority of patients are located. There is adequate signage to the room which is available to patient's families. There is not adequate office space in the main building to house the Aboriginal and Torres Strait Islander liaison staff.

*Patients and their families can access the Aboriginal Liaison Office staff during business hours as the staff are on the wards regularly and provide outpatient and emergency department support also.*¹⁶¹³

12.73 When the Elected Body asked why the number of staff at the hospital's Aboriginal Liaison Unit had not been increased to meet demand, the question was taken on notice.¹⁶¹⁴

12.74 The response to this Question Taken on Notice advised among other things that the Aboriginal and Torres Strait Islander Liaison Service at Canberra Hospital and Health Services is currently met by the 6.28 FTE staff including the manager of the service. It also advised that an external consultant of Aboriginal origin had been engaged to undertake a Model of Care review of the Aboriginal and Torres Strait Islander Liaison Service and that a draft report was being prepared for consideration by ACT Health.¹⁶¹⁵

12.75 The Director-General added that the matter had been identified as an issue and they were trying to manage it.¹⁶¹⁶

12.76 The Elected Body noted that ACT Health had previously undertaken 'to investigate the possibility of extending the Aboriginal liaison service to weekends'. It asked what the findings were of that investigation.¹⁶¹⁷ In replying, the Deputy Director-General, Canberra Hospital and Health Services said that he was not familiar with the undertaking but would include that in the Aboriginal review.¹⁶¹⁸

12.77 The Elected Body was interested to know whether there was a permanent Aboriginal Liaison Officer as part of the Crisis Assessment and Treatment Team who could be available in situations where the police were called in.¹⁶¹⁹ It was advised that there is a commitment to increase the number of Aboriginal Liaison Officers but it had not happened as they could not be funded.¹⁶²⁰ It also heard that an Aboriginal Liaison Officer position was established at Dhulwa and they were 'scoping up a position in the adult mental health unit'.¹⁶²¹

1611 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.217.

1612 Mr Chris Bone, *Transcript of evidence*, 15 March 2018, p.217.

1613 Mr Michael De'Ath, Response to Question Taken on Notice at hearings of 15 March 2018, signed 16 April 2018.

1614 Mr Chris Bone, *Transcript of evidence*, 15 March 2018, p.217.

1615 Mr Michael De'Ath, Response to Question Taken on Notice at hearings of 15 March 2018, signed 23 April 2018.

1616 Ms Nicole Feely, *Transcript of evidence*, 15 March 2018, p.217.

1617 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.217.

1618 Mr Chris Bone, *Transcript of evidence*, 15 March 2018, p.218.

1619 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.218.

1620 Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, p.218.

1621 Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, p.218.



- 12.78 The Elected Body asked what means were made available for the community to provide feedback on the review of the ACT Health Aboriginal and Torres Strait Islander Liaison Service, other than daytime sessions on 12 December 2017, and how these were promoted¹⁶²² and this question was taken on notice.¹⁶²³
- 12.79 Later in the hearings discussion again focused on the need for an Aboriginal and Torres Strait Islander position in the Crisis Assessment and Treatment Team. In that instance the Elected Body noted that the question had been raised in previous ATSIEB hearings and it wanted to know whether data could be gathered about contacts with Aboriginal and Torres Strait Islander people to demonstrate the need for the position in the CATT.¹⁶²⁴
- 12.80 The answer to this question was yes, but a question about the number of Aboriginal and Torres Strait Islanders who are currently members of the CATT was taken on notice.¹⁶²⁵ The response to this Question Taken on Notice advised that currently no staff members working in the CATT identified as being Aboriginal and Torres Strait Islander.¹⁶²⁶

Services funded through ACT Health service funding agreements

- 12.81 The Elected Body was interested to know what services for Aboriginal and Torres Strait Islander people that ACT Health supported through service funding agreements with Winnunga and Gugan.¹⁶²⁷
- 12.82 The Executive Director, Policy and Stakeholder Relations advised that funding was provided to the Gugan Gulwan Youth Aboriginal Corporation:
- ... to deliver the street beat youth outreach services; ... an alcohol, tobacco and other drugs harm reduction service; a healthy lifestyles and chronic disease prevention program; and an early intervention for mental health and wellbeing service.*¹⁶²⁸
- 12.83 He also said that funding was provided to Winnunga for 'a range of primary health services':
- a midwifery access service; a hearing health program; a dental health program; a correctional outreach service; mental health and wellbeing programs; an alcohol, tobacco and other drug harm reduction program ... where they provide, under our funding, information and education, support and case management; and a tackle smoking program.*¹⁶²⁹
- 12.84 The Elected Body then asked about the services specifically for Aboriginal and Torres Strait Islander people that ACT Health funded through mainstream providers.¹⁶³⁰
- 12.85 It was advised that most contracts listed Aboriginal and Torres Strait Islander people as 'a target cohort to provide services to' and that efforts were made to get organisations to 'reflect how they are going to provide culturally-competent care' and 'provide access pathways'. Organisations are also asked 'to demonstrate best endeavours' towards 'the employment and training of Aboriginal and Torres Strait Islander people'.¹⁶³¹

¹⁶²² ATSIEB, *Transcript of evidence*, 15 March 2018, p.218.

¹⁶²³ Mr Chris Bone, *Transcript of evidence*, 15 March 2018, p.218.

¹⁶²⁴ ATSIEB, *Transcript of evidence*, 15 March 2018, p.226.

¹⁶²⁵ Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, p.226.

¹⁶²⁶ Mr Michael De'Ath, Response to Question Taken on Notice at hearings of 15 March 2018, signed 16 April 2018.

¹⁶²⁷ ATSIEB, *Transcript of evidence*, 15 March 2018, p.219.

¹⁶²⁸ Mr Matthew Richter, *Transcript of evidence*, 15 March 2018, p.219.

¹⁶²⁹ Mr Matthew Richter, *Transcript of evidence*, 15 March 2018, p.220.

¹⁶³⁰ ATSIEB, *Transcript of evidence*, 15 March 2018, p.220.

¹⁶³¹ Mr Matthew Richter, *Transcript of evidence*, 15 March 2018, p.220.



12.86 The Elected Body then asked:

*But are there any programs like the ones that you have funded for Gugan and Winnunga that are only for Aboriginal and Torres Strait Islander outcomes that you fund non-Aboriginal organisations to deliver?*¹⁶³²

12.87 The answer to this question was no.¹⁶³³

Regional mental health and suicide prevention plan

12.88 The Elected Body was interested to know how ACT Health was 'contributing to the development of the Aboriginal and Torres Strait Islander component of the regional mental health and suicide prevention plan'.¹⁶³⁴

12.89 The Director, Mental Health Policy Unit advised that ACT Health was working closely with the Capital Health Network on the entire plan and that the work was 'well underway' but until that was fully developed ACT Health had actions against the fifth National Mental Health and Suicide Prevention Plan which included 'improving mental health for Aboriginal and Torres Strait Islander people'.¹⁶³⁵

12.90 In discussion about analysis and evaluation that might inform the development of the new plan, the Elected Body heard that 'an in-depth needs analysis' had been led by Capital Health Network and briefings would soon be provided on the 'mapping and atlas of the services and the population needs of ACT Health'.¹⁶³⁶

12.91 The Elected Body inquired whether the Director considered the current actions to be appropriate based on the work that had been undertaken.

12.92 During the subsequent discussion, the Elected Body was advised that the final actions and recommendations for the ACT had not been established and that ACT Health was highly involved in the development of 'an integrated and coordinated approach to planning for suicide prevention and mental health.' It was also told that ACT Health was not waiting for the outcome of a new plan as it had some targeted actions in implementing the fifth national plan which address the issues that are known to exist. In addition the Elected Body was told of work involved in 'embedding a cultural responsiveness framework'.¹⁶³⁷

12.93 In terms of the hospital admissions of Aboriginal and Torres Strait Islander people to the Mental Health Unit, the Director, Mental Health Policy Unit said that the rate of hospital admissions of Aboriginal and Torres Strait Islanders for mental health conditions in the ACT was similar to the national rate, i.e. the rate in the ACT was 1.9 times the rate than for non-Indigenous Australians. The question whether that rate had increased over the years was taken on notice.¹⁶³⁸

Diversions options for Aboriginal and Torres Strait Islander offenders

12.94 The Elected Body asked ACT Health representatives whether it was 'considering models' to assist ACT Policing to offer access to diversionary options to Aboriginal and Torres Strait Islander offenders, and if so, what they were.¹⁶³⁹

1632 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.220.

1633 Mr Matthew Richter, *Transcript of evidence*, 15 March 2018, p.220.

1634 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.220.

1635 Ms Amber Shuhyla, *Transcript of evidence*, 15 March 2018, p.220.

1636 Ms Amber Shuhyla, *Transcript of evidence*, 15 March 2018, p.221.

1637 Ms Amber Shuhyla, *Transcript of evidence*, 15 March 2018, pp.221–22.

1638 Ms Amber Shuhyla, *Transcript of evidence*, 15 March 2018, p.222.

1639 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.223.



12.95 The Executive Director, Mental Health, Justice Health and Alcohol and Drug Services said that her service works with police on diversion programs such as in the court drug and alcohol assessment program where recommendations may be made to courts for the diversion of people into therapeutic programs. During discussion she also told the Elected Body that ‘the model of care for the alcohol and drug court ... does fully acknowledge the impact of diverting people out of the criminal justice system...’ when appropriate.¹⁶⁴⁰

Aboriginal and Torres Strait Islander detainees at the AMC on methadone

12.96 The Elected Body asked ACT Health representatives how many Aboriginal and Torres Strait Islander detainees at the AMC were on methadone and how the proportion of Aboriginal and Torres Strait Islander of detainees on methadone compared to the proportion of those who were non-Indigenous.¹⁶⁴¹

12.97 These questions were taken on notice.¹⁶⁴²

12.98 The responses to these Questions Taken on Notice advised that at 3 April 2018, 43 detainees at the AMC on the Opioid Replacement Treatment (ORT) identified as being Aboriginal and Torres Strait Islander. Also, of the 138 detainees at the AMC on the ORT 31 per cent identified as being Aboriginal and Torres Strait Islander and 69 per cent are non-Indigenous detainees.¹⁶⁴³

12.99 During discussion about the methadone program at the AMC, the Elected Body was told that medical staff at the AMC had advised that ‘they prescribe for illicit drug use — opiate dependence’. However, they may prescribe methadone as an alternative for dependence on ‘non-illicit opioids’ — this may include detainees who had previously been treated in the community for ‘significant chronic pain’. She added that addiction specialists at the alcohol and drug service at the Canberra Hospital may prescribe methadone as an alternative pain therapy.¹⁶⁴⁴

12.100 In terms of the success of methadone opiate replacement therapy, the Elected Body was told that it is ‘a harm minimisation strategy’ and it is known that those on a methadone program are less likely to die from overdose.¹⁶⁴⁵ For those who are released from the AMC who are on the methadone program, the intention is that they continue with that in the community.¹⁶⁴⁶

1640 Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, pp.223–24.

1641 ATSIIEB, *Transcript of evidence*, 15 March 2018, p.224.

1642 Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, p.224.

1643 Mr Michael De'Ath, Responses to Questions Taken on Notice at hearings of 15 March 2018, signed 16 April 2018.

1644 Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, p.224.

1645 Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, p.224.

1646 Ms Katrina Bracher, *Transcript of evidence*, 15 March 2018, p.225.



Elected Body comment

Summary

Written responses

12.101 Written responses by ACT Health to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.

12.102 These included:

- dedicated liaison services to support Aboriginal and Torres Strait Islander people to access healthcare in mainstream settings¹⁶⁴⁷
- funding agreements with community controlled organisations¹⁶⁴⁸
- opening of the Ngunnawal Bush Healing Farm in September 2017¹⁶⁴⁹
- commencement of a Review of the Model of Care of Aboriginal and Torres Strait Islander Health Service, Canberra Hospital and Health Services¹⁶⁵⁰
- developing and implementing an ACT Aboriginal and Torres Strait Islander Health Plan¹⁶⁵¹
- implementing the ACT Health Aboriginal and Torres Strait Islander Workforce Action Plan 2013–18¹⁶⁵²
- creation of an Aboriginal and Torres Strait Islander Practice Centre¹⁶⁵³
- employment of 78 Aboriginal and Torres Strait Islander staff¹⁶⁵⁴
- ACT Health requires that there is a community consultation process for all new major policy strategies, including consultation with the Aboriginal and Torres Strait Islander community¹⁶⁵⁵
- work has commenced on the design and development of a new health facility dedicated to the needs of Aboriginal and Torres Strait Islanders¹⁶⁵⁶
- establishment of an Aboriginal and Torres Strait Islander Health Workforce Support Network¹⁶⁵⁷
- delivery of cultural awareness training to staff.¹⁶⁵⁸

Responses in hearings

12.103 Matters that were considered in some detail in hearings included the following.

12.104 In relation to the employment of Aboriginal and Torres Strait Islander people the Elected Body and representatives of ACT Health discussed among other things representation on recruitment and tender panels; and work to formalise links between the ACT Health Aboriginal and Torres Strait Islander health workforce support network and the Muranga Muranga employee network.¹⁶⁵⁹

¹⁶⁴⁷ ACT Health Directorate response to ATSIIEB generic questions, November 2017, p.1.

¹⁶⁴⁸ ACT Health Directorate response to ATSIIEB generic questions, November 2017, p.1.

¹⁶⁴⁹ ACT Health Directorate response to ATSIIEB generic questions, November 2017, pp.1–2.

¹⁶⁵⁰ ACT Health Directorate response to ATSIIEB generic questions, November 2017, p.2.

¹⁶⁵¹ ACT Health Directorate response to ATSIIEB generic questions, November 2017, p.2.

¹⁶⁵² ACT Health Directorate response to ATSIIEB generic questions, November 2017, p.3.

¹⁶⁵³ ACT Health Directorate response to ATSIIEB generic questions, November 2017, p.3.

¹⁶⁵⁴ ACT Health Directorate response to ATSIIEB generic questions, November 2017, p.4.

¹⁶⁵⁵ ACT Health Directorate response to ATSIIEB generic questions, November 2017, p.5.

¹⁶⁵⁶ ACT Health Directorate response to ATSIIEB generic questions, November 2017, p.6.

¹⁶⁵⁷ ACT Health Directorate response to ATSIIEB generic questions, November 2017, p.7.

¹⁶⁵⁸ ACT Health Directorate response to ATSIIEB generic questions, November 2017, p.7.

¹⁶⁵⁹ *Transcript of evidence*, 15 March 2018, pp.218–19.



- 12.105 In relation to the Ngunnawal Bush Healing Farm the Elected Body and representatives of ACT Health discussed among other things the development of culturally-appropriate residential drug and alcohol treatment at the farm; what was meant by 'behaviour that drives addictions'; referral pathways to the farm; a 'cultural readiness' test; that the criteria used for the programs at the farm limited numbers using the farm; transport logistics given the location of the farm; restrictions on clinical treatment services due to land use zoning regulations; residential rehabilitation beds in the non-government sector; whether data was collected on 'turn-aways'; admissions to the withdrawal unit at the Canberra Hospital; the Ngunnawal Bush Healing Farm advisory board; and interim governance arrangements.¹⁶⁶⁰
- 12.106 In relation to the Aboriginal Liaison Unit at Canberra Hospital the Elected Body and representatives of ACT Health discussed among other things the distance between the Unit and the room dedicated to accommodate Aboriginal and Torres Strait Islander people; why the number of staff in the unit had not been increased; a Model of Care review; hours of operation of the Unit; whether an Aboriginal and Torres Strait Islander employee was part of the Crisis Assessment and Treatment Team.¹⁶⁶¹
- 12.107 In relation to services funded through ACT Health service funding agreements the Elected Body and representatives of ACT Health discussed among other things the types of services that were funded; and services for Aboriginal and Torres Strait Islander people that are funded through mainstream providers.¹⁶⁶²
- 12.108 In relation to the Regional Mental Health and Suicide Prevention Plan the Elected Body and representatives of ACT Health discussed among other things work on the Aboriginal and Torres Strait Islander component of the plan; the rate of hospital admissions of Aboriginal and Torres Strait Islander people to the mental health unit.¹⁶⁶³
- 12.109 In relation to diversionary options for Aboriginal and Torres Strait Islander offenders the Elected Body and representatives of ACT Health discussed among other things the court drug and alcohol assessment program and the model of care for the drug and alcohol court.¹⁶⁶⁴
- 12.110 In relation to Aboriginal and Torres Strait Islander detainees on methadone the Elected Body and representatives of ACT Health discussed among other things the circumstances when methadone is prescribed; and that opiate replacement therapy is a harm minimisation strategy.¹⁶⁶⁵

¹⁶⁶⁰ *Transcript of evidence*, 15 March 2018, pp.210–17; 226–27.

¹⁶⁶¹ *Transcript of evidence*, 15 March 2018, pp.217–18.

¹⁶⁶² *Transcript of evidence*, 15 March 2018, pp.219–20.

¹⁶⁶³ *Transcript of evidence*, 15 March 2018, pp.220–22.

¹⁶⁶⁴ *Transcript of evidence*, 15 March 2018, pp.223–24.

¹⁶⁶⁵ *Transcript of evidence*, 15 March 2018, pp.224–25.



Elected Body views and recommendations

- 12.111 The Elected Body notes the critical role that ACT Health plays in delivering essential services to members of the Aboriginal and Torres Strait Islander community in the ACT.
- 12.112 As the Elected Body noted as the hearing with ACT Health representative on 15 March 2018 drew to a close, various encouraging matters were raised during the proceedings including that recognition was given to the expertise of Aboriginal and Torres Strait Islander organisations in the delivery of health services and that members of the Aboriginal and Torres Strait Islander community have opportunities to exercise choice in where they seek to obtain their health services. The Elected Body also notes the work that ACT Health had undertaken in response to the Moss Review, with Winnunga and at the AMC.
- 12.113 The Elected Body notes that the ACT Government committed to provide a culturally-appropriate residential drug and treatment facility to meet the needs of the Aboriginal and Torres Strait Islander community in the ACT many years ago. The announcement, development and opening of the Ngunnawal Bush Healing Farm raised hopes and expectations that the ACT Government was finally delivering upon its commitment to provide a much needed service to the Aboriginal and Torres Strait Islander community. For that reason, it is very disappointing to the Elected Body as it is to the entire Aboriginal and Torres Strait Islander community in the territory, that current land zoning does not currently allow the delivery of essential residential clinical services at the site where the Healing Farm is located and that poor planning has contributed to relatively few people being assisted at the farm. Without the amendment of relevant land zoning provisions it is the view of the Elected Body that the Ngunnawal Bush Healing Farm may never reach its full potential and it shares the view that has expressed by some members of the community that perhaps the funds expended on the farm to date may have been better directed to meet the health needs of Aboriginal and Torres Strait Islander people in the territory.
- 12.114 In light of the above the Elected Body makes the following recommendation.

RECOMMENDATION 22

- 12.115 **The Elected Body recommends that ACT Health clarify the strategic objective of the Ngunnawal Bush Healing Farm and how the Aboriginal and Torres Strait Islander community will be engaged to facilitate meeting this objective and potentially to manage the service.**
- 12.116 The Elected Body notes that there remains a critical need for an appropriate residential drug and treatment facility for Aboriginal and Torres Strait Islander people in the Territory and it is the Elected Body's view that if the required clinical residential services cannot be provided at the Ngunnawal Bush Healing Farm then alternative arrangements for the delivery of these essential health services should be investigated.
- 12.117 The Elected Body notes the advice that ACT Health provided during the hearing that the process for referral of Aboriginal and Torres Strait Islander people to the Ngunnawal Bush Healing Farm was 'mainly through ACT Corrections' and that only six people had attended the program delivered at the farm in late 2017.
- 12.118 The Elected Body is concerned that a very small number of Aboriginal and Torres Strait Islander people have been assisted at the Ngunnawal Bush Healing Farm. The Elected Body is also concerned that many members of the Aboriginal and Torres Strait Islander community in the ACT who would benefit from access to a culturally-appropriate drug and alcohol rehabilitation program may not come to the attention of ACT Corrections at all, but may be much more likely to be known to staff who work with Aboriginal and Torres Strait Islander service providers in the community such as Winnunga Nimmityjah Aboriginal Health Service or Gugan Gulwan Aboriginal Youth Corporation.



- 12.119 The Elected Body also has the view that culturally-appropriate drug and alcohol rehabilitation services should not only seek to meet the needs of the individuals who are admitted to a program but should also seek to meet the needs of the family which provides their ongoing support and care and which may benefit from receiving information or advice, referral to other agencies or be given other forms of assistance.
- 12.120 In light of the above the Elected Body makes the following recommendation.

RECOMMENDATION 23

- 12.121 **The Elected Body recommends that ACT Health develop Aboriginal and Torres Strait Islander-specific clinical drug and alcohol rehabilitation services that are culturally-appropriate and responsive to individual, family and community needs.**
- 12.122 The Elected Body notes that ACT Health is able to provide information about the numbers of clients who have identified as being Aboriginal and Torres Strait Islanders and who it *has assisted* through various programs and services but is not able to provide data about the numbers of Aboriginal and Torres Strait Islander people in the ACT who it *should* be assisting and as a result the gap between these two populations—which is an indicator of unmet health needs in the community—cannot be determined with certainty. The Elected Body has the view that this data limitation should be addressed as a matter of priority to ensure the provision and funding of health services that are sufficient to meet community needs.
- 12.123 The Elected Body also notes that ACT Health has advised in response to a Question Taken on Notice during the hearing that the directorate does not collect data about the number of people who seek to access its health services but are turned away. While the Elected Body notes that there are limitations to data on turn-aways and their use, it has the view that collecting such data is better than not collecting any data at all to indicate unmet need. The collection of data on turn-aways may also provide the opportunity to ensure that a person who seeks health services is appropriately referred elsewhere rather than left to return home without receiving a health service at all.
- 12.124 In light of the above the Elected Body makes the following recommendation.

RECOMMENDATION 24

- 12.125 **The Elected Body recommends that ACT Health investigate options for determining the number of Aboriginal and Torres Strait Islander people in the ACT who need to access health programs and services in the Territory including but not limited to the number of Aboriginal and Torres Strait Islander people who actually seek to access existing health programs and services but are turned away.**
- 12.126 The view of the Elected Body is that the presence of appropriately qualified and experienced Aboriginal and Torres Strait Islander staff across the whole spectrum of health services delivery helps to assure members of Aboriginal and Torres Strait Islander families and their community that the delivery of health services is culturally safe and as a result they may be more likely to seek access to the health system to address their own health needs as well as those of members of their families.



12.127 In this context the Elected Body notes that improvements could be made to the Aboriginal and Torres Strait Islander Liaison Service at Canberra Hospital as well as to the Crisis Assessment and Treatment Team (CATT) if concerns about the lack of Aboriginal and Torres Strait Islander staff and operating hours were addressed.

12.128 The Elected Body notes that members of the Aboriginal and Torres Strait Islander community experience higher rates of morbidity in a range of health conditions than non-Aboriginal and Torres Strait Islander people and that they access many mainstream health services. It is critical that mainstream health services include a focus on meeting the health needs of Aboriginal and Torres Strait Islander people, that their access to those services is optimised and that the health services that are provided are effective for Aboriginal and Torres Strait Islander people.



APPENDIX A — FRAMEWORK

Introduction

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

- *United Nations Declaration on the Rights of Indigenous Peoples*
- the *Aboriginal and Torres Strait Islander Elected Body Act 2008* (ACT)
- the *Human Rights Act 2004* (ACT)
- the *Heritage Act 2004* (ACT)
- *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018*
- *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*
- other documents, agreements and reports.

These are considered below.

United Nations Declaration on the Rights of Indigenous Peoples

The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) asserts the rights of Indigenous peoples in 46 articles.¹⁶⁶⁶ Some of the articles assert rights consistent with other groups: that is, that the rights of Indigenous peoples should not be less than those of others by virtue of Indigenous status. Others assert rights of Indigenous peoples to maintain a distinctive presence and culture (such as in Articles 9 and 11) while retaining membership of the wider nation (Article 6). This second group of articles largely asserts a right to self-determination (Articles 3 and 4), and cultural, religious, and political distinctiveness (Articles 11, 12 and 13, among others), the principle of which flows into rights asserted for Indigenous peoples to have their own ‘educational systems and institutions’ (Article 14), to have their culture acknowledged in the broader provision of education to others (Article 15), and to establish ‘their own media in their own languages’ (Article 16).

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

Aboriginal and Torres Strait Islander Elected Body Act 2008

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

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

- the Objects of the Act, in s 3;
- the Establishment and Functions of the ATSIEB in Division 2.1, including provisions:
 - establishing the ATSIEB, in s 7;
 - the functions of ATSIEB, in s 8;
 - requiring the ATSIEB to consult with the United Ngunnawal Elders Council (UNEC) and others on cultural heritage (s 9);

¹⁶⁶⁶ *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, available at: www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf



- empowering the ATSIEB to communicate with non-government entities in exercising its functions under s 8(b) — i.e. in representing Aboriginal and Torres Strait Islander people living in the ACT and when advocating on systemic or whole-of-government issues (s 10);
- requiring the ATSIEB to 'consult with Aboriginal and Torres Strait Islander people living in the ACT' (s 11) at least twice each financial year and to take 'reasonable steps' to tell Aboriginal and Torres Strait Islander people living in the ACT about its consultation plan (s 12); and
- principles for the conduct of consultation (s 13).
- the membership of the ATSIEB in Division 2.2, including:
 - the number of members making up a full membership of the ATSIEB, and the period of their holding office (s 14);
 - arrangements for the election of a Chair and Deputy Chair of the ATSIEB, due process where the position falls vacant, and length of term (ss 15 & 16); and
 - the resignations of members (ss 17 & 18), removal of members (s 19); and leave for members (s 20).
- a procedural and administrative framework for ATSIEB meetings, in Division 2.3, which must be held 'at least six times in a financial year' (s 21 (2));
 - this includes 'Executive officer at ATSIEB meeting', which provides the statutory mechanism under which Directors-General and other heads of government agencies appear before the ATSIEB in the hearings which are the subject of this report (s 26);
- a procedural and administrative framework for ATSIEB elections, in Division 2.3, including:
 - references to provisions in the *Electoral Act 1992* (ss 28 & 31 and also Schedule 1, 'Modifications of Electoral Act as applied to ATSIEB elections');
 - the timetable for ATSIEB elections (s 29); and
 - the involvement of the ACT Electoral Commission, including an obligation of the Commission to 'tell electors and people entitled to be electors' about the ATSIEB election and related matters (s 30), and defining eligibility for persons standing as a candidate (s 30 (1)(b)) or voting in the ATSIEB elections (s 30 (1)(c)).

Human Rights Act 2004

The *Human Rights Act 2004* gives statutory effect to provisions of the *International Charter for Civil and Political Rights*, as set out in Schedule 1 of the Act.¹⁶⁶⁷

Schedule 2 of the Act indicates that s 27A of the Act, providing a right to education, gives statutory effect to a provision of the International Convention on Economic, Social and Cultural Rights.¹⁶⁶⁸

The Act sets out provisions for Civil and Political rights in Part 3, which includes assertions of the rights to: equality before the law; life; protection from torture; and privacy and reputation, and other rights (ss 8, 9, 10 and 11 respectively and following).

The Act sets out limits on human rights in Part 3B and, in Part 4, provides direction on the interpretation of laws in light of the *Human Rights Act*.

In Part 5, the Act provides that the Attorney-General must prepare a written statement for each Bill, advising whether the Bill is or is not consistent with the Act (s 37).

Part 5 also provides that 'the relevant standing committee' of the Legislative Assembly must consider, for all new Bills, whether Bills are consistent with the Act (s 38).

Part 5A of the Act indicates that obligations created by the Act are binding on public authorities. In this part, the Act also provides mechanisms for instances where laws of the Territory are found to be in conflict with the *Human Rights Act* (s 40C).

¹⁶⁶⁷ Schedule 1, *Human Rights Act 2004* (ACT), pp.28–29, viewed 28 August 2017, available at: www.legislation.act.gov.au/a/2004-5/current/pdf/2004-5.pdf

¹⁶⁶⁸ Schedule 2, *Human Rights Act 2004*.



Specific provisions for Aboriginal and Torres Strait Islander peoples

Provisions in the Act making specific reference to Aboriginal and Torres Strait Islander peoples include the following.

The seventh item of the Preamble to the Act states that:

*Although human rights belong to all individuals, they have special significance for Aboriginal and Torres Strait Islander peoples—the first owners of this land, members of its most enduring cultures, and individuals for whom the issue of rights protection has great and continuing importance.*¹⁶⁶⁹

Section 27 of the Act provides for the 'Cultural and other rights of Aboriginal and Torres Strait Islander peoples and other minorities'. It states:

*Anyone who belongs to an ethnic, religious or linguistic minority must not be denied the right, with other members of the minority, to enjoy his or her culture, to declare and practise his or her religion, or to use his or her language.*¹⁶⁷⁰

Section 27 (2) provides that:

- (2) Aboriginal and Torres Strait Islander peoples hold distinct cultural rights and must not be denied the right—
 - (a) to maintain, control, protect and develop their—
 - (i) cultural heritage and distinctive spiritual practices, observances, beliefs and teachings; and
 - (ii) languages and knowledge; and
 - (iii) kinship ties; and
 - (b) to have their material and economic relationships with the land and waters and other resources with which they have a connection under traditional laws and customs recognised and valued.¹⁶⁷¹

Heritage Act 2004

The *Heritage Act 2004* (ACT) has significance for the Aboriginal and Torres Strait Islander peoples of the ACT in that it provides specific protection for Aboriginal objects and places (in Part 8), and requires consultation with 'representative Aboriginal organisations' (RAOs) before certain actions can be taken (ss 14 and 31).

The objects of the Act are set out in Section 3 as follows:

- (a) to establish a system for the recognition, registration and conservation of the following:
 - (i) places and objects that have natural heritage significance;
 - (ii) places and objects that have cultural heritage significance;
 - (iii) Aboriginal places and objects;
- (b) to establish the heritage council;
- (c) to provide for heritage agreements to encourage the conservation of heritage places and objects;
- (d) to establish enforcement and offence provisions to provide greater protection for heritage places and objects;
- (e) to provide a system integrated with land planning and development to consider development applications having regard to the heritage significance of places and heritage guidelines. The *Heritage Act 2004* (ACT) sets out a number of provisions relevant to Aboriginal and Torres Strait Islander peoples in the ACT.¹⁶⁷²

¹⁶⁶⁹ *Human Rights Act 2004*, Preamble, Item 7.

¹⁶⁷⁰ *Human Rights Act 2004*, Section 27 (1).

¹⁶⁷¹ A note in the Act states that the primary source of the rights in s. 27 (2) 'is the United Nations Declaration on the Rights of Indigenous Peoples, art 25 and art 31.'

¹⁶⁷² *Heritage Act 2004* (ACT), s3, available at: www.legislation.act.gov.au/a/2004-57/current/pdf/2004-57.pdf



Sections of the Act which make specific reference to Aboriginal and Torres Strait Islander peoples and heritage include those which:

- define the terms 'Aboriginal object', 'Aboriginal place', and 'Aboriginal tradition' (s 9);
- provide that a 'representative Aboriginal organisation' is an 'interested person' under the Act (s 13);
- define 'representative Aboriginal organisation' (s 14);
- provide that the Heritage Council created under the Act must 'consult each representative Aboriginal organisation about an Aboriginal place or an Aboriginal object before making a decision about registration under Division 6.1 (Provisional registration) for the place or object (s 31);
- require that representative Aboriginal organisations be consulted:
 - in connection with any proposal to remove an Aboriginal place or object from the Heritage Register — that is, a 'cancellation proposal' — (s 45);
 - when 'Assessing heritage significance of reported Aboriginal places and objects' (s 53); and
 - before the relevant Minister declares 'a place to be a repository for Aboriginal objects' (s 53B).

ACT Aboriginal and Torres Strait Islander Agreement 2015–2018

Introduction

The *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* is the current ACT Aboriginal and Torres Strait Islander Agreement.¹⁶⁷³

The Agreement comprises an interlocking framework of overriding principles; relationship principles; key focus areas, divided into 'quality life outcomes' and corresponding 'actions/initiatives'; strategic and community priorities of the Elected Body; and headline indicators.¹⁶⁷⁴

Regarding the interaction of these elements, the Agreement states that:

*The... Strategic Priorities, Community Priorities and Headline Indicators form a holistic and strategic response for all stakeholders to commit to. The Headline Indicators represent significant outcomes for the ACT Government, whilst the ACT Aboriginal and Torres Strait Islander Elected Body's Strategic Priorities and Community Priorities represent the Elected Body's commitment to the Aboriginal and Torres Strait Islander community. Together this will form the framework, which will guide the partnership response and provide a holistic structure to achieving equitable life outcomes for all Aboriginal and Torres Strait Islander Canberrans.*¹⁶⁷⁵

The elements are considered below.

Overriding principles

'Overriding principles' set out at the beginning of the Agreement include, to be expressed in 'the development of individual action plans', are principles of:

- 1 Supporting the rights of Aboriginal and Torres Strait Islander peoples to freely determine their political status and to freely pursue their economic, social and cultural development in line with the right to self-determination.

¹⁶⁷³ *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf

¹⁶⁷⁴ *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf

¹⁶⁷⁵ *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf



- 2 Recognising the ongoing effects of trans-generational trauma, caused by past government policies, on members of the ACT Aboriginal and Torres Strait Islander community.
- 3 Acknowledging and valuing the role of the traditional custodians, through the United Ngunnawal Elders Council, as the authority of culture and heritage.
- 4 Recognising that the local knowledge, expertise and contributions of the Aboriginal and Torres Strait Islander community, service providers, ACT Aboriginal and Torres Strait Islander Elected Body and the ACT Government are required to meet the diverse needs of the community in a holistic and culturally-appropriate way.
- 5 Having a mutual obligation to address issues of structural disadvantage within the local Aboriginal and Torres Strait Islander community, service providers and the ACT Government in a collaborative, inclusive and transparent manner.
- 6 Forming and strengthening partnerships and work with individuals, groups, community stakeholders, ACT Government and business to build shared understanding and experience with the local Aboriginal and Torres Strait Islander community.
- 7 Accountability to the local Aboriginal and Torres Strait Islander community, through the Aboriginal and Torres Strait Islander Elected Body to provide accessible and equitable services that promote the fair distribution of economic resources by aiming to improve the social, environmental, economic and cultural infrastructure of their local community.
- 8 Acknowledging the responsibility to provide opportunities of life-long learning that develop the health, wellbeing and connection of Aboriginal and Torres Strait Islander people and their families, through formal and informal pathways in education, employment and self-development.¹⁶⁷⁶

Relationship principles

The relationship principles are, in brief:

- 1 Respectful interaction with the community;
- 2 Work with different communities differently;
- 3 Increase value for the community;
- 4 Continuously improve the level of service delivered to Aboriginal and Torres Strait Islander communities; and
- 5 Enable information sharing and interaction across the ACT Government and service partners.¹⁶⁷⁷

Quality of life outcomes

The key focus areas comprise 'seven quality of life outcomes' and corresponding entries for 'actions/initiatives', as follows:

- quality of life outcome 'Community members celebrate Aboriginal and Torres Strait Islander cultures' and the corresponding entry for 'actions/ initiatives', entitled 'ACT Government directorates', which reads: 'All directorates will support and participate in community events that celebrate Aboriginal and Torres Strait Islander cultural identities'.
- quality of life outcome 'Focused and effective services for Aboriginal and Torres Strait Islander peoples in the ACT' and the corresponding entry for 'actions/ initiatives', entitled 'Supporting Our Community Cluster', which reads: 'Service directorates and service partners will collaborate to provide culturally-appropriate holistic service delivery through strategies and programs such as the Strengthening Families Project, Throughcare and Human Services Better Services Initiative'.

¹⁶⁷⁶ ACT Aboriginal and Torres Strait Islander Agreement 2015–2018 (2015), (unpaginated), viewed 28 September 2017, available at: www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf

¹⁶⁷⁷ ACT Aboriginal and Torres Strait Islander Agreement 2015–2018 (2015), (unpaginated), viewed 28 September 2017, available at: www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf



- quality of life outcome 'Improved family and community safety, and families' and communities' perceptions of feeling safe' and the corresponding entry for 'actions/initiatives', entitled 'Strengthening Governance, Promoting Opportunities Cluster', which reads: 'Directorates will embed prevention and early intervention and diversionary approaches into law and justice responses, and family and child support services';
- quality of life outcome 'Aboriginal and Torres Strait Islander community members are connected to strong family, social and support networks' and the corresponding entry for 'actions/initiatives', entitled 'Community Organisation and Services', which reads: 'Community organisations and services which are contracted to provide services on behalf of the ACT Government will incorporate Aboriginal and Torres Strait Islander outcomes into their service funding agreements'.
- quality of life outcome 'Aboriginal and Torres Strait Islander people are fully engaged in life-long learning and positive generational experiences' and the corresponding entry for 'actions/initiatives', entitled 'Supporting Our Community Cluster', which reads: 'Service directorates and service partners will support community members and families to navigate avenues for education and real skill development'.
- quality of life outcome 'Increased employment and private enterprise for Aboriginal and Torres Strait Islander peoples in the ACT' and the corresponding entry for 'actions/initiatives', entitled 'Strengthening Governance, Promoting Opportunities Cluster', which reads: 'Develop pathways to equal employment for Aboriginal and Torres Strait Islander peoples including developing mentoring and leadership programs to achieve better outcomes in employment. Increased opportunities for Aboriginal and Torres Strait Islander peoples to move towards economic independence'.
- quality of life outcome 'Empowering people, creating confidence and self-esteem' and the corresponding entry for 'actions/initiatives', entitled 'Aboriginal and Torres Strait Islander Elected Body', which reads: 'Support and facilitate the development of youth representation and leadership, broaden support for all community leaders and facilitate the ATSIEB leaders' and CEO forums'.¹⁶⁷⁸

Strategic priorities

The Elected Body's Strategic Priorities for 2012–17 are, in brief:

- **Priority 1** — Communication and Engagement
- **Priority 2** — Representation and Advocacy
- **Priority 3** — Focused Policy and Services
- **Priority 4** — Capability and Leadership Building.¹⁶⁷⁹

Community priorities

Each of the Elected Body's 'Community Priorities' for 2014–17 aligns with one or more of its Strategic Priorities for 2012–17. These focus on:

- Health
- Schooling and early childhood
- Safe communities
- Governance and leadership
- Economic Participation
- Healthy Homes.¹⁶⁸⁰

¹⁶⁷⁸ ACT *Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf

¹⁶⁷⁹ ACT *Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf

¹⁶⁸⁰ ACT *Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf



Headline Indicators

'Headline Indicators' in the Agreement reference items in other strategies, action plans and partnership documents, as follows:

- The first Headline Indicator references the ACT Multicultural Strategy 2010–13, still in force at this time, and reads: 'Provide opportunities to showcase, celebrate and increase community understanding about the cultural diversity of Canberra'.
- The second Headline Indicator references the ACT Aboriginal and Torres Strait Islander Tobacco Control Strategy Action Plan, and reads: 'Action Area 1 – A multi-component smoking cessation and reduction program based on an outreach model that prioritises family, social and workplace networks'.
- The third Headline Indicator references the *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–2018* and reads: '90 per cent or more of Aboriginal and Torres Strait Islander sentenced offenders released from the Alexander Maconochie Centre entering the Throughcare program by 2017:
 - 2014–15: 80 per cent
 - 2015–16: 85 per cent
 - 2016–17: 90 per cent
- The fourth Headline Indicator references the *Out of Home Care Strategy 2015–2020* and reads: 'Reduce the re-substantiation rate for Aboriginal and Torres Strait Islander children in care and the number of Aboriginal and Torres Strait Islander children coming into care'.
- The fifth Headline Indicator references *Education Capital: Leading the Nation Strategic Plan 2014–17* and reads: 'Increase the Year 12 completion rate of Aboriginal and Torres Strait Islander students and the higher level qualification (Certificate III and above) commencements by Aboriginal and Torres Strait Islanders'.
- The sixth Headline Indicator references *Growth, Diversification and Jobs: A Business Development Strategy for the ACT* and reads: 'In conjunction with the Elected Body, support for Indigenous enterprise development will be established to assist Aboriginal and Torres Strait Islander people to start or grow their own businesses, and to develop business acumen and business confidence'.¹⁶⁸¹

ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18

The *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18* sets out three overarching objectives; four targets; an action plan which shows actions toward achieving the targets; a section on 'context', presenting data on contact between Aboriginal and Torres Strait Islander people and the criminal justice system; and a section itemising 'key strategies that link with the Agreement', both 'national and local'.¹⁶⁸²

The three objectives of the Partnership are:

- reducing over-representation by:
 - reducing recidivism
 - increasing access to diversionary programs
- improving access to justice services
- improving data collection and reporting.¹⁶⁸³

¹⁶⁸¹ *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf

¹⁶⁸² *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18* (2015), viewed 28 September 2017, available at: https://cdn.justice.act.gov.au/resources/uploads/JACS/PDF/ACT_JACS_ATSIEB_Justice_Agreement_15-18.pdf

¹⁶⁸³ *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.3.



The four targets set out in the Partnership are:

- 'Reducing recidivism and increasing access to diversionary programs'
- 'Improve access to justice-related services for Aboriginal and Torres Strait Islander people'
- 'Improve data collection and reporting'
- 'Reporting and Evaluation'.¹⁶⁸⁴

The fourth target largely centres on 'reporting and evaluation' of the Partnership. At this point the Partnership also discusses justice reinvestment and justice reform.¹⁶⁸⁵

The action plan for the Partnership sets out actions, measures and lead agencies for items under each of the first three targets of the Partnership.¹⁶⁸⁶

The section on 'context' presents data on:

- Australian Aboriginal and Torres Strait Islander population as at 2011¹⁶⁸⁷
- trends in imprisonment for Aboriginal and Torres Strait Islander people in Australia 1993–2011,¹⁶⁸⁸ and indicates the relative likelihood of imprisonment for Indigenous and non-Indigenous Australians¹⁶⁸⁹
- a 'data snapshot' on Aboriginal and Torres Strait Islander contacts with the criminal justice system, including imprisonment and cautions, for the September–December 2013 quarter¹⁶⁹⁰
- 'total apprehensions' for Aboriginal and Torres Strait Islander people in the ACT for the 12 months to December 2013¹⁶⁹¹
- 'Arrests and Cautions' for Aboriginal and Torres Strait Islander people in the ACT for the five years to December 2013¹⁶⁹²
- data on Aboriginal and Torres Strait Islander people as victims of crime relative to non-Indigenous people in Australia.¹⁶⁹³

The section in the Partnership on 'Key strategies that link with the Agreement' references:

- *National Indigenous Law and Justice Framework*¹⁶⁹⁴
- *Overcoming Indigenous Disadvantage Report 2012*¹⁶⁹⁵
- *National Plan to Reduce Violence against Women and their Children 2010–2022*¹⁶⁹⁶
- *ACT Prevention of Violence against Women and Children Strategy 2011–2017*¹⁶⁹⁷
- Royal Commission Into Aboriginal Deaths In Custody¹⁶⁹⁸
- ACT whole-of-government Aboriginal and Torres Strait Islander agreement¹⁶⁹⁹

¹⁶⁸⁴ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, pp.3–6.

¹⁶⁸⁵ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.6.

¹⁶⁸⁶ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, pp.10–16.

¹⁶⁸⁷ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.19.

¹⁶⁸⁸ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.19.

¹⁶⁸⁹ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.20.

¹⁶⁹⁰ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.20.

¹⁶⁹¹ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.21.

¹⁶⁹² ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.22.

¹⁶⁹³ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.22.

¹⁶⁹⁴ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.24.

¹⁶⁹⁵ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.25.

¹⁶⁹⁶ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, pp.25–26.

¹⁶⁹⁷ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.27.

¹⁶⁹⁸ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, pp.27–28.

¹⁶⁹⁹ ACT *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.28.



- *ACT Blueprint For Youth Justice*¹⁷⁰⁰
- *ACT Out Of Home Care Strategy*¹⁷⁰¹
- *ACT Aboriginal And Torres Strait Islander Health Plan*¹⁷⁰²
- *Circles of Support*, a report by the ACT Council of Social Services and the Aboriginal Justice Centre in 2008 which led to the original *Aboriginal and Torres Strait Islander Justice Agreement 2010–13*, the precursor to the present Partnership.¹⁷⁰³

Other documents, agreements and reports

Other relevant documents, agreements and reports include:

- the *Employment Strategy for Aboriginal and Torres Strait Islander People*, ACT Commissioner for Public Administration 2011–2015¹⁷⁰⁴
- *Final Issues Paper—Review of the Aboriginal and Torres Strait Islander Elected Body Act*¹⁷⁰⁵
- Reconciliation Action Plans (RAPs) for each ACT Government directorate or agency. Reconciliation Action Plans are formulated under the auspices of Reconciliation Australia
- *National Partnership Agreement on Indigenous Economic Participation (2009)*¹⁷⁰⁶
- Implementation Plan for *National Partnership Agreement on Indigenous Economic Participation* between the Commonwealth of Australia and the Australian Capital Territory¹⁷⁰⁷
- 2014 Indigenous Expenditure Report, Productivity Commission¹⁷⁰⁸
- *Overcoming Indigenous Disadvantage: Key Indicators 2016*, Productivity Commission.¹⁷⁰⁹

1700 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, pp.28–29.

1701 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.29.

1702 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.29.

1703 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.29, referencing ACTCOSS and the Aboriginal Justice Centre, *Circles of Support: Towards Indigenous Justice—Prevention, Diversion and Rehabilitation*, July 2008.

1704 *Employment Strategy for Aboriginal and Torres Strait Islander People*, Commissioner for Public Administration 2011–2015, available at: www.cmd.act.gov.au/__data/assets/pdf_file/0007/202894/atsistrategy.pdf

1705 *Final Issues Paper—Review of the Aboriginal and Torres Strait Islander Elected Body Act*, available at: www.timetotalk.act.gov.au/storage/Final%20Issues%20Paper%20-%20Review%20of%20the%20Aboriginal%20and%20Torres%20Strait%20Islander%20Elected%20Body%20Act%202008.pdf

1706 *National Partnership Agreement on Indigenous Economic Participation (2009)*, available at: www.federalfinancialrelations.gov.au/content/npa/skills/economic_participation/national_partnership.pdf (to be read in conjunction with the *Intergovernmental Agreement on Federal Financial Relations*, www.federalfinancialrelations.gov.au/content/intergovernmental_agreements/IGA_federal_financial_relations_aug11.pdf).

1707 Implementation Plan for *National Partnership Agreement on Indigenous Economic Participation* between the Commonwealth Of Australia and the Australian Capital Territory, available at: www.federalfinancialrelations.gov.au/content/npa/skills/economic_participation/ACT_IP.pdf

1708 *2014 Indigenous Expenditure Report*, Productivity Commission, available at: www.pc.gov.au/research/ongoing/indigenous-expenditure-report/indigenous-expenditure-report-2014/indigenous-expenditure-report-2014.pdf

1709 *Overcoming Indigenous Disadvantage: Key Indicators 2016*, Productivity Commission, available at: www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2016/report-documents/oid-2016-overcoming-indigenous-disadvantage-key-indicators-2016-report.pdf



Elected Body comment

The Elected Body notes the legislation, their provisions and the strategic agreement documents which create a framework for constructive effort to achieve better outcomes for Aboriginal and Torres Strait Islander people in the ACT.

As noted in its report on the hearings process conducted in 2017, the Elected Body's view is that these are living documents which are subject to change. They lay the foundation for practical and positive change to the status of Aboriginal and Torres Strait Islander people, and require the continuing attention of both Indigenous and non-Indigenous people in the ACT if they are to live up to their promise.

The Elected Body notes that both the *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* and the *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18* come to an end in 2018 and that new documents are being developed to replace them. It is anticipated that the focus of the new agreement will be on objectives, will set targets, and will require all directorates and agencies to develop 'action plans' to achieve them, so that the outcomes of all programs and initiatives can be assessed. It is also anticipated that the new justice partnership to be developed will align with the new agreement.



APPENDIX B — WITNESSES

In order of appearance:

Hearings of 14 March 2018

Chief Minister, Treasury and Economic Development Directorate:

- Ms Kathy Leigh, Head of Service and Director-General
- Mr David Nicol, Under Treasurer
- Ms Judi Childs, Director, Public Sector Management Branch, Workforce Capability and Governance
- Mr Robert Wright, Executive Director, Corporate
- Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance
- Mr Dave Pepper, Deputy Director-General, Access Canberra
- Ms Kareena Arthy, Deputy Director-General, Enterprise Canberra

Canberra Institute of Technology:

- Ms Leanne Cover, Chief Executive
- Ms Cara Smith, Team Leader, Student Support, CIT Yurauna
- Ms Rhonda Fuzzard, Manager, Student Support

Community Services Directorate:

- Michael De'Ath Director-General
- Mrs Bernadette Mitcherson, Deputy Director-General
- Dr Mark Collis, Executive Director, Children, Youth and Families
- Ms Louise Gilding, Executive Director, Housing
- Ms Helen Pappas, Senior Director, Practice and Performance, Children, Youth and Families
- Ms Jacinta Evans, Executive Director, Inclusion and Participation
- Ms Anne-Maree Sabellico, Executive Director, Strategic Policy
- Ms Christine Murray, Director, People Management, Corporate Services

Environment, Planning and Sustainable Development Directorate:

- Dr Erin Brady, Deputy Director-General, Land Strategy and Environment
- Mr Daniel Iglesias, Director, ACT Parks and Conservation Service
- Mr Chris Reynolds, Chief Operating Officer and Asbestos Coordinator-General
- Ms Mary Mudford, Manager, Healthy Country, ACT Parks and Conservation Service
- Mr Tim Wong, Manager, Natural Resource Management Programs
- Ms Jennifer O'Connell, Manager, ACT Heritage



Hearings of 15 March 2018

Education Directorate:

- Howson, Ms Natalie Howson, Director-General
- Ms Meg Brighton, Deputy Director-General
- Ms Beth Craddy, Manager, Aboriginal and Torres Strait Islander Education
- Ms Coralie McAlister, Director, Strategic Policy
- Mr Robert Gotts, Director, Planning and Analytics
- Mr Chris Hodgson, Director, People and Performance
- Mr Jason Borton, Director, Learning and Teaching
- Mr Michael Battenally, Principal, Melba Copland Secondary School
- Ms Bernadette Hayes, Principal, Narrabundah Early Childhood School
- Mr John Stenhouse, Director, Board of Senior Secondary Studies

Justice and Community Safety Directorate:

- Ms Alison Playford, Director-General
- Mr David Pryce, Deputy Director-General, Community Safety
- Mr Jon Peach, Executive Director, ACT Corrective Services
- Ms Virginia Hayward, Acting Chief Human Resources Officer
- Dr Nova Inkpen, Acting Director, Justice Reinvestment
- Mr Richard Glenn, Deputy Director-General, Justice
- Mr Mark Brown, Chief Officer, ACT Fire & Rescue, ACT Emergency Services Agency
- Ms Amanda Lutz, Manager, Restorative Justice Unit
- Ms Tamsyn Harvey, Executive Director, Legislation, Policy and Programs
- Ms Melinda Tew, Senior Policy Officer, Social Justice
- Mr Ian Robb, General Manager, Custodial Operations, ACT Corrective Services

ACT Policing:

- Assistant Commissioner Justine Saunders, Chief Police Officer
- Commander Mark Walters, Deputy Chief Police Officer

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



Transport Canberra and City Services Directorate:

- Ms Emma Thomas, Director-General
- Mr Duncan Edghill, Deputy Director-General, Transport Canberra
- Mr Jim Corrigan, Deputy Director-General, City Services
- Mr Ian McGlinn, Director, Transport Canberra Operations
- Mr Steven Wright, Director, People and Capability
- Ms Vanessa Little, Director, Libraries ACT
- Mr Ben McHugh, Director, Capital Works and Development Support

Health Directorate:

- Ms Nicole Feely, Director-General
- Ms Jane Murkin, Deputy Director-General, Quality, Governance and Risk
- Mr Oliver Kickett, Acting Program Director, Ngunnawal Bush Healing Farm
- Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services
- Mr Matthew Richter, Executive Director, Policy and Stakeholder Relations
- Mrs Mary Wood, Deputy Director-General, Innovation
- Ms Amber Shuhyta, Director, Mental Health Policy Unit
- Mr Chris Bone, Deputy Director-General, Canberra Hospital and Health Services



APPENDIX C — SUMMARY OF RESPONSES TO QUESTIONS TAKEN ON NOTICE

No.	Hearing date	Directorate or agency	Subject
1	14 March 2018	CMTEDD	Aboriginal and Torres Strait Islander events attended by the Minister
2	14 March 2018	CMTEDD	Cultural awareness training
3	14 March 2018	CMTEDD	Commitment to support the ongoing welfare and wellbeing of trainees and employees
4	14 March 2018	CMTEDD	Responsibility for the staff network
5	14 March 2018	CMTEDD	Commitment to review HR processes for the benefit of future applicants
6	14 March 2018	CMTEDD	Staff who exit — survey and exit rate
7	14 March 2018	CMTEDD	Process for managing internal calls made to Shared Services regarding Aboriginal and Torres Strait Islander matter
8	14 March 2018	CMTEDD	Deep dive evaluation
9	14 March 2018	CMTEDD	Consideration of 'closing the gap' targets and other impact measures in business cases
10	14 March 2018	CMTEDD	Economic assessments and advice by ACT Treasury
11	14 March 2018	CMTEDD	Aboriginal and Torres Strait Islander staff in ACT Treasury and their experience with the local community
12	14 March 2018	CMTEDD	The website page for business procurement
13	14 March 2018	CMTEDD	Direct economic impact of procurement or build of the Ngunnawal Bush Healing Farm
14	14 March 2018	CMTEDD	Employment of Aboriginal and Torres Strait Islander people on the Dhulwa project
15	14 March 2018	CMTEDD	Direct economic impact of employment of Aboriginal and Torres Strait Islander people or Indigenous businesses on the Dhulwa project
16	14 March 2018	CMTEDD	Employment of Aboriginal and Torres Strait Islander people on the University of Canberra project
17	14 March 2018	CMTEDD	Cultural awareness training in Access Canberra
18	14 March 2018	CMTEDD	Fostering entrepreneurship for Aboriginal and Torres Strait Islander people
19	14 March 2018	CMTEDD	Resourcing and management of the Yarramundi Markets
20	14 March 2018	CMTEDD	Inclusion of the RAP in induction information
21	14 March 2018	CMTEDD	
22	14 March 2018	CMTEDD	Engagement of the Aboriginal and Torres Strait Islander community in indoor sports facilities reviews
23	14 March 2018	CMTEDD	Measures of success of sporting grants
24	14 March 2018	CMTEDD	Lack of artsACT funding for cultural programs at the Cultural Centre
25	14 March 2018	CMTEDD	Aboriginal and Torres Strait Islander employment and retention strategy
26	14 March 2018	CMTEDD	Enquiries made to Access Canberra on Aboriginal and Torres Strait Islander issues
27	14 March 2018	CMTEDD	Cultural awareness training and attendance at Aboriginal and Torres Strait Islander community events
28	14 March 2018	CMTEDD	
29	14 March 2018	CMTEDD	The role of traditional owners in the opening of events
30	14 March 2018	CIT	Students at Yurauna Centre and their transition to work
31	14 March 2018	CIT	Strategies to remedy staff turnover at Yurauna Centre



No.	Hearing date	Directorate or agency	Subject
32	14 March 2018	CSD	Aboriginal and Torres Strait Islander events attended by the Minister
33	14 March 2018	CSD	Aboriginal and Torres Strait Islander events attended by the Director-General
34	14 March 2018	CSD	Support services for Aboriginal and Torres Strait Islander people with a disability—NDIS
35	14 March 2018	CSD	No. of Aboriginal and Torres Strait Islander people with a disability in public housing tenancies
36	14 March 2018	CSD	Cultural awareness training
37	14 March 2018	CSD	Aboriginal and Torres Strait Islander representation on the Carers Voice Panel and the Carers Strategy Taskforce
38	14 March 2018	CSD	Professional development of Aboriginal and Torres Strait Islander employees
39	14 March 2018	CSD	Aboriginal and Torres Strait Islander identified positions
40	14 March 2018	CSD	Content of the eLearning course for professionals and practitioners
41	14 March 2018	CSD	Lowering of the age for Concession Cards
42	14 March 2018	CSD	Recommendations of the <i>We don't Shoot our Wounded</i> Report
43	14 March 2018	CSD	Strategies to heal those who experience family violence
44	14 March 2018	CSD	Proportion of children who are case managed by ACT Together who have Cultural Plans in place
45	14 March 2018	CSD	Children in out of home care who are reunited with birth families
46	14 March 2018	CSD	No. of Aboriginal and Torres Strait Islander children and young people removed since the commencement of the <i>Our Booris, Our Way</i> review
47	14 March 2018	CSD	Aboriginal and Torres Strait Islander children and young people taken into care and protection prior to Youth Justice Orders
48	14 March 2018	CSD	Public housing allocated to Aboriginal and Torres Strait Islander people with a disability
49	14 March 2018	CSD	Response to concerns regarding non-working sewerage facilities in housing raised in a 2017 AIHW report
50	14 March 2018	EPSDD	Aboriginal and Torres Strait Islander events attended by the Minister
51	14 March 2018	EPSDD	Cultural awareness training—Ngunnawal and Traditional Custodian content and delivery
52	14 March 2018	EPSDD	Cultural awareness training—number of staff trained
53	14 March 2018	EPSDD	Namadgi Joint Management Agreement Board
54	14 March 2018	EPSDD	Community engagement—rate of Aboriginal and Torres Strait Islander participation
55	15 March 2018	ED	Aboriginal and Torres Strait Islander events attended by the Minister
56	15 March 2018	ED	The difference in retention of students between Year 10 and Year 12
57	15 March 2018	ED	Number of Aboriginal and other students who attained A, B and C grades in Year 12 in 2017
58	15 March 2018	JACSD	The design of the justice reinvestment program
59	15 March 2018	JACSD	Female detainees at the Alexander Maconochie Centre—programs offered and the number of pregnant women
60	15 March 2018	JACSD	Aboriginal and Torres Strait Islander Identified positions
61	15 March 2018	JACSD	Publication of the ACT Courts and Tribunal <i>Action Plan for Access to Courts for Aboriginal and Torres Strait Islander People in the ACT</i>
62	15 March 2018	JACSD	Report on the Evaluation of Galambany Court and the outcomes achieved



No.	Hearing date	Directorate or agency	Subject
63	15 March 2018	JACSD	Availability of places on the Prison to Work initiative for Aboriginal and Torres Strait Islander people
64	15 March 2018	JACSD	Caseload of the Indigenous Throughcare Transition Officer
65	15 March 2018	JACSD	Cultural awareness training — Ngunnawal and Traditional Custodian content and delivery
66	15 March 2018	JACSD	Attendance at Cultural awareness training and Aboriginal and Torres Strait Islander events by the senior leadership team
67	15 March 2018	JACSD	Measures to increase access to diversionary programs for Aboriginal and Torres Strait Islanders
68	15 March 2018	JACSD	Recommendations of the <i>We don't shoot our wounded</i> report
69	15 March 2018	JACSD	Aboriginal and Torres Strait Islander events attended by the Minister
70	15 March 2018	ACT Policing	ACT Watch House — 'official visitor' program and the 'interview friend' program
71	15 March 2018	TCCS	Aboriginal and Torres Strait Islander events attended by the Minister
72	15 March 2018	TCCS	Increase in the headcount of Aboriginal and Torres Strait Islander employees following an 'Update Your details' Campaign in July 2017
73	15 March 2018	TCCS	Number of Aboriginal and Torres Strait Islanders who are permanently employed
74	15 March 2018	TCCS	Involvement of Aboriginal and Torres Strait Islander employees on recruitment panels
75	15 March 2018	TCCS	Contracts with Aboriginal and Torres Strait Islander businesses for the provision of goods and services
76	15 March 2018	TCCS	Engagement with the community to measure the access, demand and usage of the Aboriginal and Torres Strait Islander community bus service
77	15 March 2018	TCCS	Key actions achieved through implementation of the current RAP
78	15 March 2018	ACT Health	Aboriginal and Torres Strait Islander events attended by the Minister(s)
79	15 March 2018	ACT Health	Cultural awareness training — Ngunnawal and Traditional Custodian content and delivery
80	15 March 2018	ACT Health	Reference in <i>The Canberra Times</i> on 4 September 2017 to a cultural readiness test for clients of the Ngunnawal Bush Healing Farm
81	15 March 2018	ACT Health	Reservation of places for Aboriginal and Torres Strait Islanders at ACT and regional facilities which offer residential drug and alcohol clinical treatment services
82	15 March 2018	ACT Health	Whether data are collected on 'turn-aways'
83	15 March 2018	ACT Health	Lack of proximity of the Aboriginal Liaison Unit at Canberra Hospital from the room dedicated for Aboriginal and Torres Strait Islander people
84	15 March 2018	ACT Health	Number of staff in the Aboriginal Liaison Unit at Canberra Hospital
85	15 March 2018	ACT Health	Opportunities provided for the community to provide feedback on the Review of the ACT Health Aboriginal and Torres Strait Islander Liaison Service Model of Care
86	15 March 2018	ACT Health	Formalising links between the ACTPS Murranga Murranga Employee Network and the ACT Health Aboriginal and Torres Strait Islander Health Workforce Support Network
87	15 March 2018	ACT Health	Completion of cultural awareness training by senior executives
88	15 March 2018	ACT Health	Admissions of Aboriginal and Torres Strait Islander people to the Mental Health Unit



No.	Hearing date	Directorate or agency	Subject
89	15 March 2018	ACT Health	Number of Aboriginal and Torres Strait Islander detainees at the AMC on Opioid Replacement Treatment (ORT)
90	15 March 2018	ACT Health	Proportion of Aboriginal and Torres Strait Islander detainees at the AMC on ORT compared to non-Indigenous detainees
91	15 March 2018	ACT Health	Number of Aboriginal and Torres Strait Islander people admitted to the Withdrawal Inpatient Unit and transfers to rehabilitation
92	15 March 2018	ACT Health	Aboriginal and Torres Strait Islander employees in the Crisis Assessment and Treatment Team (CATT)



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