**ABORIGINAL AND TORRES STRAIT ISLANDER**

**ELECTED BODY**

**(Reference: Estimates process 2018-2019)**

**Members:**

**MS KATRINA FANNING (Chairperson)**

**MS JOANNE CHIVERS (Deputy Chairperson)**

**MS PAULA McGRADY**

**MS CAROLINE HUGHES**

**MR MAURICE WALKER**

**MR FRED MONAGHAN**

**MR JACOB KEED**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**FRIDAY, 29 MARCH 2019**

**Committee contact officer:**

Ms Margaret Beattie

ATSIEB Secretariat

Office for Aboriginal and Torres Strait Islander Affairs

Community Services Directorate

GPO Box 158

Canberra ACT 2601

## APPEARANCES

**Education Directorate** **114**

**Justice and Community Safety Directorate** **142**

**ACT Legal Aid Commission** **142**

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## The elected body met at 9.31 am.

Appearances:

Education Directorate

Howson, Ms Natalie, Director-General

Brighton, Ms Meg, Deputy Director-General

Efthymiades, Ms Deb, Deputy Director-General, System Policy and Reform Division

Moysey, Mr Sean, Executive Branch Manager, Early Childhood Policy and Regulation

McAlister, Ms Coralie, Executive Branch Manager, Strategic Policy, System Policy and Reform Division

Huxley, Mr Mark, Executive Group Manager, School Performance and Improvement

Fitzgerald, Ms Alison, Executive Branch Manager, People and Performance

Hawkins, Mr Ross, Executive Group Manager, Service Design and Delivery

McMahon, Ms Kate, Executive Branch Manager, Learning and Teaching

Craddy, Ms Beth, Director, Aboriginal and Torres Strait Islander Education

Seton, Ms Sam, Executive Branch Manager, Student Engagement

**THE CHAIR**: Before we start the proceedings of the formal hearings, Caroline has kindly offered to do an acknowledgement to country for us.

**MS HUGHES**: Yumma, which means hello in Ngunnawal. I would like to acknowledge Uncle Fred and thank you for your support to provide a welcome to country this morning. I acknowledge my fellow members including our chair, Katrina Fanning. I acknowledge all Aboriginal and Torres Strait Islander people in the room and I acknowledge elders both past and present.

I also acknowledge our wonderful secretariat here: Natalie and your team. I thank you for being here. In the words of our ancestors, Yumalindi Ngunna Yerrabi Kooralili Mungangai. That means hello and welcome to Ngunnawal country. May the spirit of our ancestors embrace all of us here today in the spirit of reconciliation and harmony. Thank you.

**THE CHAIR**: I too would like to acknowledge the Ngunnawal people and thank them more from a personal perspective for their support as I have lived on their country for nearly three decades now. We start this morning with the Education Directorate. Thank you, director-general, for your appearance here today. We appreciate the work that goes into appearing for this process. It is a really important part of the elected body’s role to be able to ask questions directly of you and your team.

The way that the elected body prepares its questions, in this term at least, is to do it in a collective way. Whilst Member Walker has direct responsibilities with the directorate, we do this in a collective fashion. We give priority in our questions to any questions that have come directly from the community. You have the questions alongside you at this time. That at least helps with getting people to the table. They do not necessarily flow in perhaps your governance lines but what we are trying to do, noting that we only have an hour with you this morning, is to give priority to the community questions. That is why they appear in the order they do.

Given that in the past few months there has been quite a great deal of work among ourselves, the community, your directorate and other directorates, I want also to acknowledge and thank your team for their help in getting the new agreement signed, particularly with action plans that have commitments ready to go. I think that that is a really important part of that process. I want to thank you for that time.

The questions from the elected body will be led by Member Walker, but before we move to the questions I would like to give you an opportunity to make any opening remarks you have.

**Ms Howson**: Thank you, chair. I too extend on behalf of all my colleagues our acknowledgement of the traditional custodians. Again, Uncle Fred, I particularly recognise you and Caroline as members of the local Ngunnawal community. We pay our respects to our traditional custodians and we extend that same respect to our Aboriginal and Torres Strait Islander colleagues. I would like to acknowledge our elders past and present. I also think that from our perspective we take our role very seriously in the work we do to support your community, to support your emerging elders and leaders of your community.

From education’s point of view, we are particularly mindful that Aboriginal people have been on these lands for thousands and thousands of years and have been leading educational processes for all children and young people. It is a privilege to be able to play a part in that in these contemporary times, in the 21st century. We also are responsible for a little school in a little community down at Jervis Bay. I would like to acknowledge that community, our staff and the parents and children who attend our school in that community.

We particularly would like to recognise the work of our Aboriginal and Torres Strait Islander colleagues across education. Our families and our students—all of us, I think—feel very strongly that they are enriching our lives as we learn more and more about their culture and their history, and they are informing us. I think that, overall, we feel much better for it. I wanted to make those opening remarks.

I would also like to acknowledge the work of the elected body, the United Ngunnawal Elders Council and other Ngunnawal elders who are not participants in the council directly. I think all of you are making a very strong contribution to the process of education of Aboriginal and non-Aboriginal young people across our system, and Torres Strait Islander children as well.

I thank you for the report on the last hearings. I want to comment that I thought it was very clear and constructive. It provides some very good direction for us in the work that we do. For example, evaluation of the cultural integrity framework is something we are focused on. We will be putting more time and energy into this, together with questions around school board membership and how we might facilitate a voice for the Aboriginal community through the formal governance processes in education.

Of course, there is also the focus on better recruitment and retention practice and respecting local knowledge and custodianship in our cultural integrity journey. Thank you for that direction from the elected body. It is a very healthy process, I think, when we get to see the product of your deliberations and the analysis and the constructive feedback we get from that process.

I also want to acknowledge that it is the International Year of Indigenous Languages. We are particularly focused this year on something we are continuously working on. But we are particularly mindful this year of taking advantage of the focus that the International Year of Indigenous Languages brings. I hope that later in the hearings we can take the opportunity to talk to you more about what we are doing in that area.

I also wanted to congratulate you on the launch of the ACT Aboriginal and Torres Strait Islander agreement and the work that the elected body has done in that area. The focus around equity is very much in line with the government’s broader education policy on the future of education. The issues around self-determination that sit very tightly within that agreement, I think, relate very well to the work that we are doing under our strategy in relation to student agency and giving our students a voice, as well as the focus that we are bringing to creating schools that are communities for learning and learning how to better collaborate and work with all of the rich expertise, resources and experiences that sit across our community to educate our children.

I think we are very much on a great sort of track together. As I said earlier, the support that we provide for future leaders in your community, and in fact our community, is a role that we take very seriously.

One of the other things I would like to say at the outset is that we are working very hard to shift our overall orientation to cultural integrity. I think we are in a process at the moment where I feel very pleased that our Aboriginal and Torres Strait Islander staff and students are holding us to account. I think that we have created a space where people feel safe to challenge us. I think that is a positive thing. As we go through today’s hearings, our preference of course will be to talk about the proactive and positive work we are doing.

However, I just wanted to say at the outset that we are under no shadow of doubt that we still have quite a way to go, but what I feel very confident about is that our young people, our kids and our community are feeling more confident about calling it and letting me know, or letting anyone in this executive group know, when they feel that what we say is not what we do. I think that is healthy, if I might say that at the outset. I do not want to take up any more time. Thank you for the opportunity to make those opening remarks.

**MR WALKER**: The first question is: we have identified three priorities that we would like to address in the next 100 days. Can you tell us what activities you will be undertaking within the period that impact on the cultural integrity framework?

**Ms Howson**: The 100-day mark may not be absolutely precise but I think what you are looking for is what we are doing in the short term.

**THE CHAIR**: Each of these particularly comes out of the action plan, and it is us saying basically we do not want things to start happening at the end of the 18 months and if you need any guidance these are the few areas that we would like you to start in.

**Ms Howson**: In terms of the cultural integrity framework, I will hand over to Kate McMahon on that matter because she is leading that work within our schools and then I think Alison will have something to say about staff in relation to cultural integrity.

**Ms McMahon**: The cultural integrity framework which has been implemented across all our schools and within our ESO staff commenced nearly two years ago and is a really ambitious way of looking at a cultural change for our system. It will take time to have that cultural shift, for it to be embedded truly within our schools. The plan is divided into three domains so that we are working with all our staff to come along on that cultural integrity journey.

We are supporting our principals to lead that journey within their schools, we are supporting our ESO staff to do the same with their own staff and we are strengthening the capabilities of all our school-facing services. What that means is that in my area of learning and teaching, where we look after curriculum and pedagogies, we design the services that go out to support schools in developing how they work with their students. We make sure that we have that lens around cultural integrity. The work that we are doing is supportive in all aspects.

We are able to test it in schools through a process that we have every year where we go into our schools to have a look at the operations of the schools, how effective all their plans and programs are, by using the national school improvement tool. We have been able to align the work of the cultural integrity framework to the elements of the national school improvement tool. We have been able to have a bit of a lens to look through school improvement with the cultural integrity tool framework.

That has given us evidence to say where it is working well, where we need to have improvements. It is on a sliding scale. We have been able to see yes, you are starting to get this but we can see that there are better things that you could be doing. Then our team is there to support that development. We will have a full cycle over four years of using this national school improvement tool to get an insight into all our schools and how all those schools are operating within this framework.

Along with that, another tool for principals to use with their teachers is the AITSL professional standards for teachers. And the AITSL standards have two clear indicators around teachers using cultural integrity and understanding of culture to support the learning of Aboriginal and Torres Strait Islander children and to support the learning of all children to understand the cultural history of Aboriginal and Torres Strait Islander people. Our principals are able to use those standards with all their staff to be able to illuminate what they should be doing.

To bring that down to another level, the work that we have been able to do with our teams is to really strengthen the work of our IEOs, the Indigenous education officers, to lift them up from being a support mechanism for particular children and particular families but to really embed their role as strengthening the cultural integrity and supporting principals and their teachers on how to go about doing great things within their school, to really lift up cultural integrity. They do that in their own school, and they support networks of schools to do that as well. We are able to look at what we can do to support those people in their schools.

Some of the whole-system things that we are doing at the moment include working with—

**THE CHAIR**: Sorry, I do not want to appear rude but I am conscious of the time that we have got and the list of questions that we have got to get through. What we are particularly interested in, following some of the evidence you have just given—and we appreciate the framework and we have got some good information on the concepts and things—is how we are going to measure impact and how people are accountable for that. We acknowledge that there are support systems in place. But how does the system hold people accountable for delivering on them? If you could give us an idea of what those two indicators are that you use as the measurement that you just referred to about the improvement tool, what is the actual measurement and was that created by Aboriginal and Torres Strait Islander people?

**Ms McMahon**: With regard to the AITSL tool, I cannot answer that. I would need to find that out for you. On the national school improvement tool, we were able to map the elements. There are nine domains with the tool, and within each domain there are many different subsets. We were able to map those against our cultural integrity framework, and we can provide that information to you.

**Ms Howson**: I think to answer the question perhaps a little differently, every year we evaluate about a third of our schools against a matrix of indicators. This will be the first year that we have actually built those indicators that relate to cultural integrity. And what we have built is a tool of—

**THE CHAIR**: That was what I was after.

**Ms Howson**: We started in 2018. We did a third of our schools last year and we will do another third of our schools this year, and then so on and so on. Basically we have developed a framework of maturity around cultural integrity and elements that sort of demonstrate from an organisational point of view where we start, to where we might want to finish and what that looks like. And we can provide that as evidence to the committee. That is the assessment tool against which schools are judged, if you like. Then, at an individual level around our school leadership team—and can I confirm with Meg—we do actually hold our school leaders accountable for their focus on that issue.

**THE CHAIR**: Without naming schools, of the third of the schools that you looked at last year, how did they go?

**Ms Howson**: On the continuum?

**THE CHAIR**: Yes, and I appreciate that it is a continuum. I quite like that it is not a pass/fail because that is certainly not—

**Ms Howson**: I should also say actually that we did develop the continuum with Aboriginal and Torres Strait Islander people. That is another point.

**THE CHAIR**: The report card is not just from that?

**Ms Howson**: No. It was actually part of a whole strategic revamp around our approach to supporting Aboriginal and Torres Strait Islander students in our schools.

**Ms Brighton**: Just to clarify, Natalie confirmed with me a third. Actually I have done the math and it is about a quarter of schools that we review. We started this integrating of the continuum assessment into the school review last year. And what we found was the broad spectrum of maturity. That continuum is very strength based.

I sat on a school review panel in a school for five days as part of a team of people doing the assessment, and if I can just draw down to the specifics of that school: I saw a community where staff were developing a really strong understanding of how to integrate Aboriginal and Torres Strait Islander perspectives through the curriculum. The kids were very engaged with the conversations in their school, and that school overall was developing, demonstrating a very mature approach to Aboriginal and Torres Strait Islander perspectives and culture.

Another school was at the very beginning of their journey, and for us that means that our team, running out of learning and teaching, will go and do a lot more work with them about the beliefs and values, because our schools represent communities, that have been demonstrated in their staff and then what we need to do after that.

What it looks like from a principal’s perspective, when we recruit principals now, is: we are very specifically looking for their understanding of cultural integrity, and it is an explicit part of our recruitment when we are sitting on the panels. We are inquiring into their experience, their training, their understanding and we are looking for a demonstration of that.

We will be systematising that by way of making sure it is part of the professional development plans for all principals and of course all our principals and our new principals have been through cultural integrity training. Over the past couple of years, when you look at the support that the education support office have provided, we have had about a thousand staff—and that is just the stuff that we are providing—who have gone through cultural integrity training, exposure to language masterclasses and a whole range of other elements. That is separate from the work that principals are doing within their schools to build staff capability.

**THE CHAIR**: I do not want to hold up this line of questioning but there is just one thing in what you said then. My understanding was that there were about 10 per cent of principals who did not attend that training, and that is reasonable. There are ons and offs but have they had make-up sessions or—

**Ms Brighton**: We have done some make-up sessions this year. We did a body of work last year, we have done some sessions this term for our beginning principals, our new principals, and our new executive. And we will keep running that to make sure that we catch people as they come into the—

**Ms Howson**: As people move into different roles and positions and principals retire, we will be systematising that approach as well.

**MR WALKER**: Just as a follow-up on that, you said that within the cultural integrity framework you identified some examples. Can you, without drawing too long a bow, give us an example of some of those areas where there is impact?

**Ms McMahon**: Of the work that is happening?

**MR WALKER**: Yes.

**Ms McMahon**: Certainly. The work that IDOs are doing specifically?

**MR WALKER**: You just mentioned that according to the research there were trends and you identified stuff. I just wondered what is an example of that.

**Ms McMahon**: I think it is what Meg has just described.

**Ms Howson**: But let us give some examples of some of the really good things that are happening in those schools around that. Do you want to elaborate a little more perhaps on a school that you feel is more mature? Maybe Beth can help you with that.

**Ms McMahon**: Belconnen high would have a really high level of maturity around their cultural integrity and application of—

**Ms Howson**: Compared to the rest of us.

**Ms McMahon**: Yes. They have worked with community to develop a languages and community course that their students in years 7 and 8 are doing there at the moment. They are also working with their local college and the BSSS to develop an ongoing course for years 11 and 12. They have also just had a refurb at Belconnen high and within that refurbishment they have decided to build in a yarning circle that their students can be using. Part of the infrastructure of the school is that there will be a yarning circle there.

**MR WALKER**: What activities are you looking to undertake around a management plan for transitioning children between schools?

**Ms Seton**: Transitions are really important to us; you can see that in our future of ed and our strat plan. Building on what Kate was saying, a really big part of that is the cultural integrity work so that families and their students feel welcome and connected to the schools.

For all of our students we are working really hard with all our schools about setting up really solid transition processes well before kids move. So that is working with a high school to get to know those year 6 kids in plenty of time before those students move over. So kids can visit, the high school visits them and the students have those relationships and feel comfortable before they move.

On top of that we are doing some work where we are monitoring our Aboriginal and Torres Strait Islander students and watching particularly those transition years, so our year 6s and our year 10s. Beth’s team is working with us on that looking for any attendance that is starting to wobble or any students we might have concerns about so we can get in and do some early intervention.

Enrolments open at the start of next term so we will do a whole heap of work to make sure that all of our year 6 and 10 students enrol for the next year so that we have caught them all. For those who have not enrolled in that time period we will make contact firstly with the school to encourage and then if needed we will try to do some more specific work with individual families.

When it comes to individual students a whole heap of different teams can be involved. We have our support at preschool teams that work with families who are identified moving into preschool and also then preschool to kindy. Our network student engagement teams work with identified students supporting when there needs to be a bit more of an individualised transition and making sure relationships are set up for the students. We also have our flexible education program teams that work with individual students and families to help them move between educational settings.

It is really important that we also think of the family and not just the students. We have our social workers and other teams of people to make sure that we have that wraparound for everyone and that we are sharing the relevant information so families do not have to tell their story again and that the school understands the student and can set up those relationships well before they start with them.

**MR WALKER**: Natalie mentioned Wreck Bay. Does that include Wreck Bay?

**Ms Seton**: Good question.

**MR WALKER**: They are transitioning to New South Wales high schools, so are we involved with that process?

**Ms Seton**: To be honest, we are concerned about some of those transitions. The principal is looking at how we strengthen our relationship with New South Wales to support students moving out of our sector into New South Wales.

**THE CHAIR**: For the purposes of *Hansard—*wementioned this yesterday—one of the reasons we do not ask many questions about Jervis Bay even though we do have some direct responsibility is that the Wreck Bay community have an elected community council. We are trying to be respectful of their right to ask those questions themselves.

**Ms Seton**: I understand.

**THE CHAIR**: I have had some direct contact from families who have had eight to 10‑week delays in transitioning between schools when a student’s enrolment at one school has become untenable. In particular cases that has been because of some of the behaviours of the student. So it is not to say that it is not an issue, but they have then had very extended periods of not being able to engage or be enrolled in any other school.

**Ms Howson**: Those particular incidents should not be happening. We will deal with those on an individual basis but that warrants a complaint and we should be accountable for what has happened there.

**THE CHAIR**: I am worried that the parents and families we might rely on to raise that as an issue may not be in a position or understand how to do that. The question is how the system helps flag that so you can engage those parents who might not understand how to raise the issue for themselves.

**Ms Howson**: In this particular area we have had one or two examples throughout the year which have illustrated to us that we need to make some adjustments in the way we are managing enrolment transfers across school organisations. You are right, chair, that it does often depend on the agency of the family to move things forward. Now we are aware that we have got some shortcomings in our approach we will address that and be able to adjust that through our enrolments process.

**THE CHAIR**: I appreciate that, thank you.

**Mr Hawkins**: Coming through the consultation we took with the elected body at the back end of October last year transitions came up as an issue with community. That is identified clearly in our action plan as an area we want to look at. There are the systems that Ms Seton set out quite clearly and things like the pathways website to help manage transitions, but if there is a voice in the community saying that they are not working for them or they are not aware of what exists or they need strengthening then there is some work for us to do as part of the agreement this year on what that looks like and how we reach out to community and work through what might be a better way to structure some of those interactions. That is definitely some of the work we have got within the plan this year.

**MR WALKER**: What activities are you undertaking in the service offer to assist closing the gap, particularly the benchmarks to assist our children on attaining the standard of education they should have and additional supports for these children?

**Ms Howson**: This is a big question; this is about our mission in a sense.

**THE CHAIR**: Remembering that this part is just about the activity over the next 100 days. So we do not want the 10-year plan but just over the next 100 days in line with the agreement. What are the sorts of things we can expect to talk to the community about that are happening within the directorate?

**Mr Huxley**: A big focus for us at the moment is the strength-based approach that all schools are taking. That comes on the back of the school review process that was flagged earlier. At its core that is ensuring that our schools are safe and welcoming places for our Aboriginal students and their families. That is a core tenet of the school review process and the cultural integrity journey.

Within that context is what we are doing around individual students. A key focus at the centre of everything we are doing at the moment is the students. The challenge for all our schools is knowing more about our individual students, what their circumstances are and broadening the use of evidence and data about how we assess the needs of students and what are the best next steps for those students.

In relation to Aboriginal and Torres Strait Islander students our school leaders are all going through significant training in the use of evidence and data. We are not just talking about test results or academic results such as NAPLAN or those broader external tests; we are talking about the practices that schools use every day to identify the needs of their students. That can include analysis of demographic data such as gender and cultural background.

We are looking at engaging around the whole student, so the significant people who hold information about that student relevant to establishing a full picture of the context for that individual student. It is about engaging family in that process and looking at how other significant adults interact with that student in addition to the role of the teacher. It is about how we value and prioritise that observational data which is really significant and powerful rather than just on a test result. It is establishing the full picture of the child.

We then look at the teaching strategies and practices used in the school and what impact they are having. We are strengthening the ability for our school leaders and classroom teachers to identify the impact of those strategies so they can take corrective actions earlier to ensure that students achieve success. We are focusing on the precision and the ability for our school leaders and our teachers to better identify the needs of students, to assess what is and is not working and take those corrective steps. That is a process that we are heavily investing in at moment.

**THE CHAIR**: Reading budget papers and annual reports for the directorate last year raised this as an issue for us and it is still on the radar. The gap in the outyears was not projected to change in the directorate’s outcomes. It was as if for the next five years we assume we are not going to have made any progress and there was no line item that I could see budget-wise that made the connection to how we are we setting ourselves up as a directorate to get better outcomes for Aboriginals. It was hard to see a progressive improvement in what was expected in that gap.

**Ms Howson**: We are adjusting our strategic indicators—I mentioned that in my introduction—to really focus on the issue of growth in learning. And while that is a system-level measure, that data is an accumulation of data that sits at every school level. That of course relates to data that sits in classrooms. While it is population based, not individualised in the way that Mr Huxley was just talking about, it gives us an indication of schools that are focused on growth in learning over time.

I think from the middle of this year when we publish our new strategic indicators and targets you will see that there will be a shift towards a focus on growth in learning. At the moment, unfortunately, we are only reporting on population-based measures and trends. And we will be setting ourselves targets for growth. When we come back here next year, hopefully we can talk to you about some of the granularity around the population of Aboriginal and Torres Strait Islander students as well. Did you want to add to that?

**Ms Brighton**: If I can just add to that, when we talk about growth in learning, it has got several dimensions. One of them is that students feel connected and safe, as do their families. And that is where our cultural integrity work really comes into it. Those students have good relationships with both their peers and their teachers. There is a culture of high expectations not only within the students themselves but within their teachers. That comes back to not only our cultural integrity framework but also the work we are doing with the profession to build their capabilities about understanding where students are at, based on the data that Mr Huxley was talking about, their context and then target their teaching for the needs of that child, which might be different to the students that suits right next to them.

The last dimension is the building of the understanding of that. There are a whole lot of different pathways for kids to follow—and each pathway is a really valid pathway—and how we make sure that we are privileging all pathways, that we are equipping our staff to understand how to privilege all pathways and therefore, through that, making sure that families are supported to understand that those pathways are valid.

All those dimensions are really key to this notion of attainment or student growth but the foundation piece to that is our cultural integrity work. Unless kids are really connected and safe, as are their families, then they will not be able to move on to those other steps.

**Mr Hawkins**: We might wish to add some evidence there.

**Ms Brighton**: We might go to the questions.

**THE CHAIR**: We might need to keep going. I am conscious—

**Mr Hawkins**: No worries.

**Ms Brighton**: We are enthusiastic to tell our story.

**MR WALKER**: Question No 2: how many Aboriginal and Torres Strait Islander people have been part of selection panels for the directorate in the past 12 months?

**Ms Fitzgerald**: We do not currently report on the composition of our selection panels. However, we do have recruitment and selection guidelines that set out what the equity and diversity should be in the different panels that we have in the directorate. I am happy to go into what that might look like.

**THE CHAIR**: I am more interested in how you assure yourself that that is followed.

**Ms Fitzgerald**: We have two different types of panels in the department. One is a selection advisory panel. It is the responsibility of the chair of the panel when the documentation will be sent through to our Shared Services area. When they are formalising the selection outcomes there is a checking point then. The data that they collect, however, is not recorded, which is why we could not answer.

**Ms Howson**: We cannot answer that question, to be honest, because we do not collect that data. But it is a very good question.

**THE CHAIR**: And we are asking it of each directorate. The reason for this and the next question that we will ask is that part of the issue of employment for our people is not so much that we do not have qualified people; it is the people who sit on panels who do not understand our qualifications. That is the reason for the question, to see how we might be able to address that issue.

**Ms Howson**: That is probably something that across government we look at with different approaches. You can imagine in big agencies, relative to the ACT—like ours and Health—that the number of recruitment panels that are conducted day in, day out is enormous. And we would not want to shift all that burden onto our Aboriginal and Torres Strait Islander colleagues.

**THE CHAIR**: Hence, the next question.

**Ms Howson**: I think there is a way of targeting that.

**MR WALKER**: Following on, unless you want someone else to answer part of that question.

**Ms Fitzgerald**: I think Beth had something to add.

**Ms Craddy**: I have something to add. I cannot add to the statistics, the data around that, but every position within the Aboriginal and Torres Strait Islander section will have Aboriginal representation on it, whether it is for identified positions or not. But that is as far as I can add to that one.

**Ms Howson**: I think one of the things that I would be happy to make a commitment to today is that when we are doing our teacher staffing round this year we will look actually at how we get a cultural perspective into that process.

**THE CHAIR**: That is what we are after.

**Ms Howson**: As we are looking at the placement of teachers across the system and assessing teachers for where they should be, we will undertake to do that this year. There you go, I have given you a job, Alison.

**Ms Fitzgerald**: Good.

**MR WALKER**: Question 2: how many selection panels have had at least one member who had completed cultural awareness training?

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

**Ms Howson**: For senior positions.

**Ms McAlister**: For senior positions.

**MR WALKER**: I am going to combine questions four, five and 19 because they are all around racism. How many incidents of racism are generally reported within the directorate each year? How are they reported? How does the directorate address incidents of racism? I guess No 19 is: a number of community members have approached elected body members and reported having experienced incidents of racism and bullying within school facilities and also travelling to and from school on public transport. Does the directorate have a strategy in place to, firstly, report these sorts of incidents and, secondly, to deal with eliminating such activity?

**Ms Howson**: If I can just say at the outset, I think our school communities reflect our community more broadly. I have no doubt that incidents of racism are issues that our staff and our students, Aboriginal and Torres Strait Islander staff and students, deal with far too often. I just say that at the outset.

In answering your question, in our system and in a formal sense we certainly have policies and processes. I will let Alison answer that so that it can be an accurate response but what I said at the beginning of the hearing was that what I am finding is that increasingly our community are feeling more confident about calling things that they may not have called in the past. That is a positive and healthy step forward for us.

As we learn more about the impact of the collective “big O” Our behaviour, I hope that we can be much more transparent and responsive to the impact of that on individuals within our school system and make an enormous contribution to shifting these issues of racism for our community more broadly. I just say that at the outset.

But we do have a formal process—and Alison will talk to that—and then I would also like to mention that I am very grateful to our staff network, Aboriginal and Torres Strait Islander staff network, who, again, have developed a very confident relationship with me in that they are able to talk to me about things that they may not have talked to me about a little while ago.

**Ms Fitzgerald**: Formally, incidents of racism would be captured in our bullying and harassment data. That is where the more formal investigation process would occur. We publish that data, as would other directorates, in the State of the Service Report. Last year we had 11 incidents. I have looked at those 11 incidents and none of those was racism allegations—

**Ms Howson**: Related

**Ms Fitzgerald**: Or related, yes, that is correct. How we manage allegations within the directorate, we have informal processes through our respect, equity and diversity contact officers, REDCO officers, obviously, through our staff networks and people whom we have in our department, our managers and supervisors, as we mentioned before, who are being more and more trained in cultural awareness as well to handle these sorts of complaints and allegations.

If employees are not satisfied with those avenues there is obviously the more formal, which is what I just touched on before where we do capture that data, and that is through our formal complaints handling process. Similar to the other directorates, that is in line with our enterprise agreement. It is very clearly set out, our preliminary assessment process, and then into a more formal investigation process.

**THE CHAIR**: We have asked this question of each of the directorates. It is not focused just on education; it is general. There is one particular aspect regarding your directorate; that is, the relationships with students, and the improvements that have been outlined. The system is very much an internal one, regarding whether it is about a school or a teacher. If we are building confidence within our community in the school system, and they disclose issues of racism that do not involve one of your staff—the incident on the bus is an example—how does the system help to support that, and give students a voice and confidence? It might not be something you can answer right now; maybe you can think it through, regarding how schools are run. We are making these places safe ones in which to talk about these issues; then what?

**Ms Howson**: With an example like that, I would hope that the family could raise that with their school and that the school would be mindful that they could raise that with the directorate. We could talk to our colleagues in transport about how their people are geared to support issues like this and what sort of communication and various avenues might be progressed in order to support a whole community shift on this issue. I do appreciate that it is very much about agency, and whether families feel confident. If you are getting presentations about this and people are more confident about raising them, we will see something change as a result.

**THE CHAIR**: Exactly.

**Ms Howson**: I also recently set up a diversity council. That council has on it the chairs of our staff networks across the breadth of diversity in our school community. We are just getting started now, but I would not be surprised if the issue of the culture of racism and the behaviours around that are part of the work of that council in the future.

**MR WALKER**: I will move on to question 6. There are currently five Koori preschools operating within the ACT. Are all of the places available being filled; if not, why? What consideration has been given to having additional Koori preschools? What factors are considered for site selections? How will you ensure that there is continuity of learning for children attending preschool? In the directorate’s response to the generic questions, you mentioned that the identified positions of assistants in Koori preschools are 60 per cent filled by non-Indigenous people. For how long has this been the case? What efforts have been made to have those filled 100 per cent by Aboriginal and Torres Strait Islander people?

**Ms Howson**: Thank you for those really good questions. I know that this is a really important focus for the elected body. We will do our best, and please interrupt us if we are not answering the question that you want us to answer. Meg will talk about the learning and teaching dimensions of that; then there are some particular policy and strategy elements that Sean Moysey will answer.

**Ms Brighton**: Thank you for the triple-barrelled question. I will be quite precise. You have asked specifically about the places. Until 2019 there were 90 places in Koori preschools. This year we have expanded that to 107 places. We have expanded that because the national quality framework provides for a certain number of places in preschool, and we have tried to align the Koori preschool with the national quality framework.

At the moment there are 107 places. We have 90 places filled, and we have no children on our waiting list. At one level, that is a really good story but actually we have some more places to do, and there are opportunities for us to do further work with community, to have more children come into the Koori preschool program.

I might leave the strategy question for a minute and talk about the continuity of learning, so that we can give that dimension to it. I will defer to Kate to talk about the continuity of learning.

**Ms McMahon**: It builds in to those transition processes and allowing schools to be ready for children, not for children to be ready to move to schools. We are doing some work at the moment on building up the competence and capability of our educators, both teachers and assistants, in both our Koori preschools and our regular preschools, for children who transition into that.

There is cultural integrity across all of our sites, as well as within the national quality standards, which is the framework that preschools operate under. Both through legislation and through educational operational frameworks, understanding of Aboriginal and Torres Strait Islander culture and histories is embedded within that as a regulation, and all preschools operate in that way.

We do Koori preschool days, where we have kids, family members, teachers and assistants come together to do some on-country exercises and activities, and they build the relationships between each other. We have invited all of our preschool educators this term to come together and do some cultural awareness training as well. That marries with the work that is happening in schools, so that there is a seamless transition.

Kids will also have opportunities which we often call “play and stay”. They come up to the next setting; they have a time where they test out the next setting. That is so that the staff can get to know the kids, kids can get to know their new setting and parents can feel comfortable about being in those new settings.

**THE CHAIR**: Ms McMahon, I am not as familiar with this. When you say “next setting”, do you mean the next level of school?

**Ms McMahon**: The next level—Koori preschool, three to four-year-olds, into preschool and up into kinder.

**THE CHAIR**: I just wanted to make sure I was assuming correctly.

**Ms McMahon**: Yes. At all of those stages, schools provide many opportunities for kids to come and test it out and get familiar with it, because it is about safety and comfort.

**Ms Howson**: Do you want us to talk about the positions being filled?

**THE CHAIR**: Yes, the identified position roles in Koori preschools.

**Ms McMahon**: Eighty per cent of those positions are filled by Aboriginal and Torres Strait Islander people at the moment. There is one position where we have been unable to do this, and I know that the school is working hard to rectify that situation.

**Ms Howson**: Sean can talk about additional Koori preschools and what factors are being considered in the selection.

**Mr Moysey**: We have been engaging in a range of consultations, and we have been invited to consult around Koori pre. We recognise the importance of Koori pre and the high confidence that the community has in Koori pre. Considering the history of Koori pre, we are at the point where the next steps need to be led by community. That is part of one of the factors for the early childhood strategy for the first year. For the strategy next year, we are looking at having a consistent offer of 15 hours a week for Koori pre, and engaging in what the next steps are.

Obviously, proximity to community is a factor. Confidence in the existing Koori pre is a factor, and what works for community. There are logistical issues, but, importantly, there are relationship issues which we are getting into and understanding more.

The things that are being considered include whether we expand the existing Koori preschools, create more, or do both. If there is a new Koori pre, where will that be located, and what is the best relationship to have? We know that there are good relationships between different entities of ACT government, community entities and our schools.

It is also about understanding the community, in the sense of what is happening with the community: where people are living, and the fact that many community members are coming in for work and may not know what is available. They may be working here for some years; they might be coming in for family. While we see that that awareness is very strong where there is continuity and a tradition, there is more work to be done on how we share that with everybody who might be coming in. They are the factors, and that is one of the first steps for the early childhood strategy next year.

**Ms Howson**: Can I underline that we really want to take the lead from the community. A typically bureaucratic approach would be to see whether we have coverage across the city. Actually, we have come to understand about the kinship relationship. It was your consultation process that turned the light on for us around that, as we were talking to families that attended. We needed to understand that, even though they might have lived in the south, their primary connection was in the north. With respect to an appreciation of where they wanted their kids to go to school, being with their cousins and their family was the most important thing. We have worked out the transport stuff. For us, that is the sort of thing that came out of your facilitation of community consultation, so thank you for that.

**THE CHAIR**: Could I follow up an answer that Ms McMahon just gave? In the answers to generic questions provided by the directorate, it was said that two out of the five Koori preschool identified positions were filled by non‑Indigenous people. I think you just gave some evidence that it was 80 per cent. Has that changed recently?

**Ms McMahon**: Yes. At the beginning of this year another position was filled; so we have improved on that.

**MR WALKER**: Given the commonwealth’s and the ACT’s renewed focus on early childhood learning, what is the directorate doing to make sure that Aboriginal and Torres Strait Islander children and students are included in the new initiative plan for the ACT?

**Ms Efthymiades**: I am happy to answer this. The commonwealth landscape is variable, I think it is fair to say. It has changed a lot recently and actually all for the worse; you know, the paring back of commonwealth interest. We have a very big commonwealth event coming up fairly soon. The comparable platforms at the moment seem to be quite different; so we are watching that with great interest to see what comes of it. There is complete appetite across every state and territory to do early childhood business better. That is not shared with the current commonwealth government.

So we will monitor. If nothing changes federally, then we will pursue our own agenda and we will do it rigorously. Maurice, it has been fantastic to have you at the Early Childhood Advisory Council. As a conduit through you, we have people on our inter‑directorate committee, which has been fantastic too. So we are getting those voices at the table and everyone is hearing them directly.

**Ms Howson**: It is probably not appropriate for us to comment on commonwealth policy. But, in fact, our government here in the ACT is a very strong advocate for early childhood within the commonwealth settings. Ms Efthymiades, I think, is reflecting the very strong advocacy that Minister Berry has given to this issue and is, in fact, I think having a very important impact on making sure that when we talk about education, we are not just talking about schools. We are talking about early childhood more broadly. We feel that we are supported in that right across the jurisdictions around Australia and that is reflected in what our current ACT government’s approach is, which, Deb, you were about to elaborate on.

**Ms Efthymiades**: Yes, I think we are really making sure that those voices are heard directly within our governance processes, not indirectly. Then, of course, through that we have other satellite consultation engagement processes. Engagement for us is much more important than consultation. In fact, when we go through the Koori preschool journey, we want that to be a co-design conversation about where, how, what exactly. We continue to involve that.

It has been fantastic to have those voices at the table and everyone around that table being able to hear those voices, not just us, because we bring people from all sorts of sectors, all sorts of government agencies, into those gatherings and so everyone gets to hear the voices, which is important to us.

**Ms Howson**: Can I add a little colour and light to that? We have been really building on giving our students a voice in our policy development process. That happened through future of education. Aboriginal young people, Torres Strait Islander young people and non-Aboriginal young people have all been part of that process. I have learnt that children as young as at kindy—even our pre-schoolers—have something to tell us and something to say. They have been very articulate about what they want in the process. We are now challenging ourselves to look at how we amplify the voice of Aboriginal and Torres Strait Islander children through our student congress.

So coming back to the input of students into early childhood policy, yes it is happening already. As I said, we are going to amplify that in some restructuring of our student congress in a way that we ensure that Aboriginal young people are empowered to have a say.

**MR WALKER**: Thank you very much. Madam Chair, I am looking at the time.

**THE CHAIR**: I suggest that we keep going. We will look to break at 11 am. I am happy for you to move through the questions as you prioritise them. I think we have moved through the questions that were provided directly from the community and the rest we will provide on notice. With your indulgence, can we go through until 11 am?

**Ms Howson**: We are at your disposal.

**THE CHAIR**: Thank you.

**MR WALKER**: With that in mind, I am going to ask question No 11. Does the directorate recognise immediate parenting and legal guardian roles when enrolling students into schools? To what extent does the directorate recognise the guardianship complexities and the diversity of responsibilities and circumstances of extended families of children when enrolling?

**Ms Efthymiades**: First, I would like to foreground by saying that we really embrace the commitment in the new agreement. I am going to read it so I do not get the wording wrong. But it is that opportunity to maintain children and young people with family. While I know that that has other applications, that is a commitment that we can also apply in enrolment practices.

When we are talking about family, of course, we are conscious of, and actively aware about, extended family arrangements. Natalie touched on this before, about kids being comfortable and wanting to go to school with cousins et cetera. They might be formal care arrangements or they might not be. It just might be a great family construct that really helps the kids engage with their learning and have success.

In respect of the reference to guardianship in the question, that is actually pretty straightforward. Guardianship has a legal backdrop to it. So we honour anything that has a legal backdrop. But I think where we are seeking to go with this is that we are actively looking into kinship considerations in terms of enrolment practices. Again, we probably want to work with you and beyond in community to define that in a way that is helpful and does not cause trip-wires, does not make it red tape and all that kind of thing but that actually allows families to have a really positive learning experience in a setting that works and that is connected to their family in the process, which is usually core.

**MR WALKER**: Questions Nos 12 and 13: are young people in Bimberi, regardless of their classification, provided with access to education? How is this achieved? Are young people in Bimberi transitioned back into education on their release? What support is offered to them?

**Ms Howson**: Sam, you are going to take that question but I want to point out to the elected body, if you are not aware, that we actually have a school embedded in Bimberi, the Murrumbidgee learning centre.

**Ms Seton**: Yes, the Murrumbidgee Education and Training Centre is within Bimberi. All students in Bimberi have access to that. There are times that some students are not available to us because of safety reasons or they are perhaps unwell. Sometimes we are able to go and visit them individually; sometimes we are not allowed, in which case we would send work through to them. But on the whole they are working with us in the school setting.

Moving to your next question, the Murrumbidgee Education and Training Centre is part of what we are calling a flexible-led program. We have that; we have our off‑campus program; the hospital school; the cottage; and we have also distance ed. This is, I guess, a new construct from late last year. Students who were in Bimberi and moving out previously would have been expected to go straight back to their school.

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

For example, we have had young people moving out of Bimberi into that setting for whom going through bus interchanges is not ideal. They connect with the wrong people. So whilst we are helping them settle, we go and pick them up, bring them to the setting and get them feeling confident enough to be ready to move back into a different education setting.

**THE CHAIR**: Just as a follow up, in those additional settings that are outside the traditional school environment, and once some of our young people have transitioned from Bimberi, are there Aboriginal and Torres Strait Islander staff in those centres?

**Ms Seton**: Yes, we do have some. To give you a picture, in respect of staff, we have social work, nurse, senior psychologist, youth support worker as well as teaching staff. So it is a bit of a wraparound service.

**THE CHAIR**: Do those centres have a relationship with our Aboriginal youth organisation and our medical service to complement that?

**Ms Seton**: That is something we have been working on; so it is not strong yet, but it is on our list to do.

**Ms Howson**: I think we have started discussions around that with—

**Mr Hawkins**: Yes, on reflection, I think that next week there is a meeting with Kim from Gugan Gulwan. She is coming into the office to talk with us around our network support engagement teams. As part of that, the head of our flexible learning environment is going to be there so they can meet and connect and just talk through some of the ways that connections might be from a program delivery perspective, comparing what we are doing with perhaps what Kim has seen from Gugan Gulwan’s perspective.

**THE CHAIR**: Thank you.

**Ms Howson**: Networks support—

**Mr Hawkins**: Support engagement teams—

**Ms Howson**: teams are teams of allied health professionals. They support students—

**Mr Hawkins**: That is our psychologists, our OTs, our speechies. If you like, they kind of wrap around the actual service that we can provide to students.

**MR WALKER**: The community has reported that Aboriginal and Torres Strait Islander children are missing school because of the enrolment processes and delays. If that is occurring, are you aware of the number of Aboriginal and Torres Strait Islander children who are missing school? What are the issues around these delays? Are these days away from school significant? How are you dealing with enrolment processes and delays?

**Ms Howson**: We touched on some elements of this question earlier, when we were talking about significant delays between transition from one school to another—enrolment in a new school. That response is on the record.

In terms of whether these days away from school are significant and how we are dealing with the enrolment progress, I stated earlier that it should not be happening, and we need to understand the issue. As I indicated, we have already had a couple of examples this year which have illuminated for us the shortcomings in our process of support for those students. We are addressing that now.

As to whether they are significant, that is absolutely the case. Of course, they are significant. Any break in educational continuity is an issue for students. One of the things that we have talked about separately is that I do not think parents fully appreciate that shifting children around schools has a significant impact on learning outcomes. There is a direct correlation in that regard.

We are adopting a process now so that, by and large, we will try to work out the issues in the school that the children are in, unless there are very good reasons for them not staying in the school they are in. I do not know if I can find the research, but I know from when I was working in Community Services that having four or more different schools in a child’s life has a direct correlation to their educational outcomes being negative.

I think it tells us what we know about kids. They need to belong, they need a predictable way of life, they need continuity and they need to trust the people that they are receiving their education from. It is important that our schools and our community work hard to resolve any conflicts and maintain the best outcome for children, rather than moving them around the system. We should not have children out of school for—

**MR WALKER**: A member of the community sent me that question in relation to transition from being in out of home care. There were some delays regarding moving from one school to another.

**Ms Howson**: We have to do that better. There is really no excuse. If that family do not feel that they have raised that issue with the directorate, if you can support them to do that, that is a good thing to do. We can then learn about the circumstances and do something about it.

**MR WALKER**: Going to No 14, how are Aboriginal and Torres Strait Islander staff supported to manage the cultural load that they carry? Who takes responsibility for acting on advice that they pass on from community engagement?

**Ms Howson**: Any of our Aboriginal colleagues who are in the room will speak to you more authentically about how well we do this. Let us try to explain our appreciation of it and what we intend to do about it.

**Ms McAlister**: Cultural load will be feedback that comes from our staff network, because they review our employment action plan. It is something that we are starting to see and to understand. We are starting to understand that the load is particularly heavy when you are carrying feedback from the community and there is nowhere in the organisation to go with that.

With the staff network we have been focused on creating some pathways. Natalie spoke this morning about the launch of the diversity council. That is a really practical, tangible example of a commitment from our senior executive team to meet with the chairs of our staff network and test assumptions, test processes and understand the experience through the lived journey. There is a commitment to acknowledge cultural load. I will not say that there is a deep understanding of the impact. We are at the beginning of that journey.

It is also about the quality of our relationships. Everything we are talking to you about today regarding cultural integrity comes not only from here but also from here. It is about building cultural safety through the quality of our relationships.

**THE CHAIR**: For the purposes of Hansard, “here and here” means from our minds and our hearts.

**Ms McAlister**: Head and heart. It is not just an intellectual journey that we are on. We are deeply committed to it.

**THE CHAIR**: It would seem, at least from my lens, that what you have just described relies heavily on personality. I am interested in how your workplace systems and structures support that. In what ways are those community engagement skills and time valued and included in what we expect from those staff? Also, what protections exist for staff where they might have community or kinship conflict? How are those roles described in performance ways in order to show the extra work that that takes compared to someone in a similar role who is not expected to do that within their community? Are there any system processes in place to support those people? Ultimately, that will impact on retention and career progression of people.

**Ms Howson**: We are at the point now where I would expect, because of the work we have done with our executive cohort, that if an Aboriginal staff member were trying to express to their supervisor how that was playing out for them and the impact that it was having, it would not be dismissed or disregarded, and that it would be understood. I think we are at that point regarding the raising of awareness around this. We understand that it is a real issue for our people.

Do we have policies and procedures in place that support an Aboriginal and Torres Strait Islander member of our staff to manage the impact? Not yet. Ms McAlister said that we recognise that we need that. We will, through the diversity council, start exploring what that might look like, to ensure that everybody knows what the rules of engagement are. Essentially, what is a reasonable approach, and what is something that our Aboriginal and Torres Strait Islander staff can rely on? I am very mindful that people closer to me would manage it pretty well. As we get into our school communities, where they are away from the influence of this team, maybe they are not as clear about what they should do regarding something that is raised with them by an Aboriginal and Torres Strait Islander staff member.

I think you are challenging us, and that is a good thing. We will look at that. We will look at it particularly for our staff who work in Beth’s area, and we will look at it in relation to what we need to do to support our school leaders in that respect.

**MR WALKER**: How many of the secondary and tertiary scholarships per year are actually expended? Is there a strategy to ensure that all scholarships are allocated?

**Ms Craddy**: With the secondary scholarships, there is $75,000 available each year. With the tertiary one, there is $80,000. Both scholarship programs are merit based, and it will then depend on the number of applications that we get. Currently, with the secondary scholarships, we have 15 recipients at $4,000 per annum per scholarship, which means the allocation for this year is $60,000. There are 15 still there.

There were 11 applications for the scholarships, and all were successful. The reason that they were not all allocated was that there were not enough applicants. There were also four continuing secondary scholarships, the kids going from years 11 into year 12, which makes up the 15. At the moment seven of those are in year 11 and eight are in year 12. There will be an additional 11 scholarships available for the start of next year. The only thing we can do is try to promote more and encourage more colleges and high schools to support their kids to apply.

With the tertiary scholarships, again, it depends on the calibre and number of applications. Five were awarded this year. The panel gave out two for teaching and three for health. The top scholarship was worth $20,000. The next two were worth $15,000 and the next two were worth $10,000. There was some difference in the merit order. That was reflected in the amounts that they were offered. That means that there was $70,000 allocated out of the $80,000.

The remaining funds are used to employ the tertiary scholarship people as casual learning support assistants in schools, which gives more staff in schools; a greater presence there. It actually makes other connections. For example, for one young woman, this will be her third year working at Duffy Primary School, working part time. She is doing a teaching qualification. A person who graduated at the end of last year has worked at several different schools. She is a social worker, and she was able to practice those skills inside the school. We have an occupational therapy student who is very interested in working in schools, too.

**THE CHAIR**: Ms Craddy, I appreciate that they are merit-based processes. It would appear, from the evidence that you have provided, that the success rate for the people who apply is fairly high.

**Ms Craddy**: Yes.

**THE CHAIR**: I hate seeing any money allocated for our community or our people not being optimised. For me the question is: if we are having an almost 100 per cent strike rate regarding who is applying, the issue would be how to get more people to apply, and support them to do that. Is there any formal strategy around that?

**Ms Craddy**: The secondary scholarship process is under review at the moment. It has largely been focused on students who are undertaking a tertiary package. Recognising that the vocational education and training pathway is just as valid, and probably more valid for a lot of people, we are looking at how we can open that up. It does not open it up so much for the education stream as it does for the health stream and the VET stream. Encouraging more students to take that up would be very beneficial. Of the roughly 100 kids who might be in year 12 at any particular time, only about 20 per cent of those would be undertaking a tertiary package. The idea is actually to rejig the scholarships to provide a greater focus for the other 80 per cent of students.

**THE CHAIR**: So the problem is not necessarily communicating that the scholarships are available; it is that their focus relates only to a small number of the package?

**Ms Craddy**: It is the way that it has been structured historically, yes.

**THE CHAIR**: That is what the review will look at?

**Ms Craddy**: Yes.

**MR WALKER**: Mr Hawkins, you alluded to the CEO of Gugan Gulwan coming to see you next week. You may have already answered this question, but I will read it for the record: Gugan Gulwan provides an essential service to some of the most vulnerable children, young people and their families. What processes are in place to ensure that their work is supported and that the needs of the participants are met by the directorate? How is the relationship with Gugan Gulwan supported?

**Mr Hawkins**: It is important to say first that relationships are important for us in terms of what we have at Gugan and what we have with our directorate colleagues and other organisations. We need to look at providing supports to students and kids in our community in a more holistic way.

I have connected with Kim recently to make sure that she has a senior point of contact within the organisation. So any issues or problems she is experiencing she can contact us or contact me. As part of that we agreed to engage with her on connecting with your network support engagement team, and that is taking place next week. This is the allied health provider who provides the wraparound service to our students with complex and challenging behaviours.

A relationship also exists through Ms Craddy’s team and Mr Chapman with our Indigenous education officers and that connection with Gugan. It is developing and we need to continue to connect the dots and broaden that support. I do not think it should sit just with Gugan so part of my to‑do list is to reconnect with Julie Tongs in Winnunga to make sure we have good connections in place there.

It is important that we have representation and are linking with our colleagues across other directorates as well so we are making sure that we are providing holistic services rather than looking through a singular directorate lens.

**THE CHAIR**: You have mentioned our two largest service organisations. Given the size of your directorate does that mean that you will be more of a senior front door so that those organisations do not have to navigate the directorate themselves?

**Mr Hawkins**: Correct. It was fascinating sitting down with Kim last week with an org chart and trying to explain it to her. I could can see her thinking, “How about I just contact you?”

**THE CHAIR**: That would be great.

**Mr Hawkins**: Absolutely fine. But we want to try to give her a sense of the work and the activities of our teams so that when she is struggling with a particular issue there is a point of connection in trying to understand how that might fit with us. But in terms of a front door we are going to meet up with Kim once a term.

**THE CHAIR**: They are certainly busy people so we cannot expect 100 people from the directorate to have time for them all the time.

**Ms Hawkins**: No, exactly right. So we want to make sure that that connection is there so if they are struggling on a particular case issue or a particular issue around statistics or are wanting to get information they know how to access the directorate.

**MR WALKER**: Do you want to add anything, Ms Howson?

**Mr Howson**: In the context of the Aboriginal and Torres Strait Islander Elected Body agreement with government, the self-determination component will push us into a new dimension. I would be the first to say that education has a lot of work to do in terms of thinking about its partnerships with Aboriginal-led organisations. So, again, I invite you to keep us honest.

**MR WALKER**: How many Aboriginal and Torres Strait Islander students completed year 12 in 2018? How many achieved entry into university and the VET sector? What levels of attainment were achieved?

**Ms Efthymiades**: Some hard numbers; I have them for you here.

**THE CHAIR**: We want to hear about impacts.

**Ms Efthymiades**: Hard numbers, yes. The first question: at the February 2018 census 117 year 12 students identified as Aboriginal or Torres Strait Islander. Of those, 93 or 79 per cent were awarded a senior secondary certificate at the end of the year. Obviously we have got a way to go in that regard; 79 per cent is not good enough.

In terms of impact, there were more students the previous year—we had an overall college dip across all sectors in the ACT—with 142 Aboriginal and Torres Strait Islander students in 2017, but only 95 or 67 per cent were awarded a year 12 certificate. We know these data vary year on year because the numbers are fairly small, but we are encouraged by that.

With the transitions work and following students, better supporting their pathways and stronger cultural integrity we are optimistic that we will not just keep fluctuating and that ultimately we will be on that upward gradient.

The other questions: some of that information is owned by the individual themselves, but let me try to give you some things that I think can help. I can give you information on those who got tertiary entrance statements and ATARs. Would that be helpful?

**THE CHAIR**: Yes, because we are trying to get at not just that people attended but how they went.

**Ms Efthymiades**: Yes, that is right. In terms of university entry you need a tertiary entrance statement and then you need an ATAR that gives you access into particular courses. I have some figures for you on those. Of those 117 students last year, 37 or 32 per cent were awarded a tertiary entrance statement. Again, that is a low proportion. The year prior, though, there were only 24 or 17 per cent. Again, we have a sense of an upward movement but we cannot say that it is a trend because it is only one year compared to another.

An ATAR of 60 or above is a reasonable threshold applied in a lot of courses and provides access to quite a range of courses without special consideration. Some 21 per cent of the student cohort, or two-thirds of those who got a tertiary entrance statement, got an ATAR of 60 or above.

I am sure that you are aware that universities take into account a whole lot of processes and evidence and not just the senior secondary certificate when they consider entry into university courses. So I cannot tell you how many kids entered university and exactly how they got there, but they are the figures that might help.

I can tell you how many VET certificates were completed while they were in their senior secondary education and the proportion. Some completed a VET certificate and did not get a senior secondary certificate and some got both. I can give those to you separately for the record and then combine them.

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

**MS MCGRADY**: What about the percentage who do not make it? Is there follow‑up? Is there support to find out why that percentage did not finish?

**Ms Efthymiades**: I am the stats person. I probably should hand over to my learning and teaching colleagues for that one.

**Ms Brighton**: With our numbers of year 12 Aboriginal and Torres Strait Islander students we are talking in any given year, depending on the birth rate, anywhere from 90 to 120 students. Each one of those students we should know, and we should know really well. We have outlined, as we have talked through the hearing today, the work of our Aboriginal and Torres Strait Islander Indigenous education officers. The work we are doing with our staff should mean that each one of those students is known, connected and seen through. We have a variety of pathways. Each of those colleges has a careers and transitions officer who is connecting in with kids.

In reality sometimes we are not successful in how we are communicating and connecting with those kids. But the action plan underpinning the agreement sets out some very specific actions about how we are going to strengthen that work we have already started and how we are going to take it to that next level, because it just keeps coming back to the core thing that kids have got to feel connected and safe in their schools to stay there. That is really our core focus.

**Ms Craddy**: I spent a lot of time in college as a teacher, nearly two decades there, and nearly the same in the high school sector. If the kids hit the ground running and they are well prepared for high school, they will most likely succeed at college. So one of our challenges is to make sure that the kids are well and truly equipped by year 10 to navigate college. If the young people decide and vote with their feet, sometimes it is very difficult to contact them. I know every single college will make every effort they can to reconnect with those students. The small numbers sometimes reflect that we do not know where some kids end up.

We also, as much as possible, link kids into the CIT and the Yurauna centre as well, if possible. We try to ensure that they have some positive pathway. As I have said in forums like this before, there might be a period of time where a young person is a little lost, a little rudderless. By and large, you catch up with that young person when they are 20 years of age and they have found their feet again, usually through something like CIT or through employment. But, in every college, people are making every effort that they can to find a positive pathway for those students who decide not to finish year 12.

**MR MONAGHAN**: I have a question in relation to the ALOs within the school system in the ACT. I am conscious of the growing population of Indigenous people in this community. From what I am seeing as a grandparent and through a connection to community, there is one ALO for about two or three schools and that person spends one day at each school. That is the way it was arranged back then. I do not know whether that has changed. Will there be an increase of ALOs within schools? Some of these schools have big populations of Indigenous kids. It has to be a gender thing, too, where there is a male and a female. It is a case where, if you are going to put a service out there, you need to have a strong base to help our mob.

**Ms Craddy**: We have just put in the paperwork for a recruitment round. Hopefully we will be taking on another three of four at this point in time. The IEO role, or the Aboriginal and Torres Strait Islander education role, has changed. Originally when I first came into this position it was very much about, “There’s a kid out there who needs help. Quick—you’ve got to go and do it.” By and large we were making assumptions as to what qualifications and what skills people had in those roles, and they felt like they were essentially in a deficit model where they had to go and sort out the hard stuff. But the Indigenous education officer role is very much about being a resource person to build the capability of the school so that, if that person steps away from the school and goes on to another job, the school does not take 10 steps backwards in regard to their relationships with parents and with families.

Having said that, yes, there is a community connection there. They do operate across small clusters of schools, but it depends on the number of kids in each of the schools. For example, in a P to 10 school that might have 70 or 80 kids enrolled, the IEO’s focus will largely be on that school. If the IEO is spread across a couple of schools that have smaller enrolment numbers then they may be able to spend different amounts of time. It does come down, again, to budget constraints. Obviously it would be wonderful if we could get my bosses to have 87 IEOs across the system, but—

**Ms Howson**: Or 88.

**Ms Craddy**: Sorry, 88.

**Mr Hawkins**: The only thing to add to Ms Craddy’s evidence is the great work that her team is doing to support these IEO’s. There was some professional learning for them earlier this year in terms of having managed a process in our schools to engage with schools, school leaders and communities. So the skills capabilities of our IEOs are growing as well through the support they are getting from Beth’s team.

**THE CHAIR**: I thank officers for their attendance today. We are very interested in how the cultural integrity framework progresses but are supportive of it being a continuum and not a pass/fail sort of process, and that there are structures and systems being built in that have accountabilities, not just aspirations, in them. As I think I mentioned last time, in our community so much of our population sits within the age group of the services that you deliver to through the agreement, but a major focus for us is how the children and young people and their families experience life and opportunity here in Canberra. So we appreciate the evidence that you have given today and, even more so, the commitments that have been formally made both in relationships and through the agreement. Thank you for your time.

## Short suspension.

Appearances:

Justice and Community Safety Directorate

Playford, Ms Alison, Director-General

Glenn, Mr Richard, Deputy Director-General, Justice

Pryce, Mr David, Deputy Director-General, Community Safety

Peach, Mr Jon, Executive Director, ACT Corrective Services

Bartlett, Mr Mark, Senior Manager, Offender Services and Corrections Programs

Hayward, Ms Virginia, Chief Human Resources Officer, People and Workplace Strategy

McIntosh, Mr Andrew, Director, Justice Planning and Safety Programs, Legislation, Policy and Programs

Inkpen, Dr Nova, Acting Director, Justice Reinvestment, Legislation, Policy and Programs

ACT Legal Aid Commission

Boersig, Dr John, Chief Executive Officer

**THE CHAIR**: Good morning. I will make some opening comments and explain the process for today. As is our normal process, the elected body member who has directorate responsibility will conduct at least the initial questions. I outline again the process for the elected body in putting these questions together. We do it collectively. Everyone participates across each directorate. Each member has an input. We have questions that are provided to us directly from community members. For directorates particularly like yours where there is a range of discrete functions, we try, because of the time limits that we have, to give priority to questions that have come directly from the community.

I also want to acknowledge that for this session several leaders from our community are in the gallery, in particular the former chairperson of the elected body. I think I saw Di Collins earlier. I acknowledge that leaders of our service organisations, former social services sector people as well as some of the Indigenous employees of your own directorate are with us today. I acknowledge their presence here as well.

Director-General, I will give you an opportunity to make some opening remarks, but I ask you to try to keep them to five minutes or less given the time frames that we have.

**Ms Playford**: Yes, I appreciate that.

**THE CHAIR**: Once you have concluded your opening statement, I will pass over to Member Monaghan to commence the formal questions.

**Ms Playford**: Thank you, I would like to begin by acknowledging the traditional custodians of the land we are meeting on, the Ngunnawal people. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and region. I pay my respects to their elders past, present and emerging. I would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people attending today, in particular the staff from the directorate and from many of the services that we work with.

I would also particularly like to acknowledge you, Katrina, as chair, and Fred as the justice representative, for your engagement with our directorate. You have shown great commitment in your roles. To other elected body members, I acknowledge the contribution you are making in your respective portfolios. As director-general, I place great value on our relationship with the elected body and see our partnership as crucial to achieving better outcomes for Aboriginal and Torres Strait Islander people in Canberra.

As I mentioned last year, much of the focus of the directorate has stemmed from the implementation of the Moss review. I again acknowledge the tragic death of Steven Freeman and the lasting impact on his family and the Aboriginal and Torres Strait Islander community.

In the past 12 months we have worked hard to implement recommendation 5, the establishment of the Winnunga model of care, within the Alexander Maconochie Centre, with corrective services, with justice health and, most importantly, with Winnunga involved in that implementation process. This model into the future includes procurement of a new health unit and construction of temporary accommodation that has occurred for Winnunga.

To fulfil another outcome of the Moss review, Mr Neil McAllister was announced as the ACT’s first Inspector of Correctional Services in 2018. Since his appointment, the inspector has initiated four critical incident reviews and one review into the conditions of remand detainees. He has continued to have a focus on Aboriginal detainees in his reports. The inspector has also announced a healthy prison review. His team will be onsite at the AMC in July this year and no doubt will engage directly with your board.

Across JACS we continue to be particularly focused on creating a more integrated and culturally proficient criminal justice system for Aboriginal and Torres Strait Islander people and methods to strengthen the programs that we deliver. Over the past year we have progressed a number of new initiatives. A crucial part of this commitment is funding that we received midyear for building communities, not prisons. The package focuses on a range of areas, including housing, alcohol and other drugs services, mental health and disability, as well as family and other group services, including for Aboriginal and Torres Strait Islander people.

Two specific pieces of funding were $1.5 million to better resource Victim Support ACT, including employment of two staff to improve access and support for Aboriginal and Torres Strait Islander people who have been victims of crime. There has been a 10 per cent rise in applications from community members in the last period.

The midyear budget also saw the government invest $3.6 million to continue the Yarrabi Bamirr program delivered by an Aboriginal and Torres Strait Islander-run organisation. The program empowers families to be self-reliant in navigating the system to get the right help that they need, and hopefully to avoid our justice system. I particularly acknowledge the work that we have done with Winnunga in relation to that program.

Across JACS we are continuing to actively recruit Aboriginal and Torres Strait Islander staff. At the end of February, we had 59 employees who self‑identified as being from Aboriginal and Torres Strait Islander background. I recognise that ensuring that our Aboriginal and Torres Strait Islander staff have opportunities for career progression and support is essential to promote better outcomes for the community.

In 2019 we are reviewing the JACS strategic plan, our inclusion plan and our Aboriginal employment plan. All those plans, coincidentally, end this year. As we begin setting out our new strategic direction for the next five years, it is imperative that we commit in each of those plans to better understanding what cultural proficiency really looks like for us as individuals, for our workforce, and for the community that we serve.

In February, we held our JACS executive retreat at which we had the 2018 ACT Australian of the Year, Dion Devow, and Nicola Gothik. They had us explore ways to strengthen our approach to programs and policy and to recruit, retain and support under-represented groups in our workforce, including Aboriginal and Torres Strait Islander staff. We were fortunate to hear from local custodian Richie Allan, who shared his Ngunnawal perspective and some local knowledge on areas relevant to our work. The day was a good opportunity for executives across JACS to share time, experience and challenges as we seek to strengthen our leadership capabilities and our organisational culture. We have a commitment for each of our executive retreats this year. It is that a large part of the day will be devoted to strengthening our own cultural proficiency as leaders.

Despite our efforts, we still have challenges ahead to improve justice outcomes for the Aboriginal and Torres Strait Islander community, particularly to reduce the over‑representation in our prisons. We look forward to working closely with the elected body in progressing the Aboriginal and Torres Strait Islander partnership and agreement, as well as our efforts to reduce recidivism in the ACT by 25 per cent by 2025.

**THE CHAIR**: Thank you, director-general. Before I pass over to Member Monaghan, I suggest that—this is not a reflection on your directorate but it is our experience of the last day and a half—what we are particularly after is direct answers to the questions we have. I understand that there is a lot of information that people want to share. I just say in advance that if I feel this is not happening, I will get things back on course.

**Ms Playford**: That is fine.

**MR MONAGHAN**: Good morning, everyone. I am the JACS representative on the elected body. I would like to start off by making a statement. I have been looking into and have been given some information in relation to the Australian Bureau of Statistics. The ACT government have really struggled with dealing with Aboriginal people in the justice system; their statistics around incarceration and the removal of our children are pretty much the highest in the country.

From 2015 to 2018 there was a justice partnership agreement. We are now in 2019 and everything is getting worse. There has been no real improvement. With the justice agreement that is now being proposed, I have no confidence in it. I have said that to different people, and it still stands: I have no confidence in what JACS and the government have done in the whole-of-government agreement, because our situation is getting worse.

I will go to the first question. We have identified three priorities that we would like to progress within the next 100 days. Can you tell us what activities you will undertake within that period in the following areas: procurement processes for justice reinvestment community-controlled services; diversionary housing options; and access to AMC health services delivered by Winnunga.

In relation to Winnunga, as you said, there has been ongoing work with Indigenous detainees around health issues. Diversionary housing options are a major problem, and I hope to hear that there is some vision for the future, to deal with that. With the processes for justice reinvestment community-controlled services, my involvement in the community is pretty much ongoing, and my concern is that justice reinvestment has a lot of restrictions in relation to policies. There have to be forms of flexibility with the justice reinvestment approach for our people. I know that Nova does a lot of work with that.

**Ms Playford**: Yes. I might start answering the questions and then hand over to Nova and others. Those priorities that you have identified are also priorities for the directorate. In relation to procurement processes for justice reinvestment community‑controlled services, I can report to the committee that the directorate is currently working with Winnunga on developing a contract for the ongoing services in relation to the Yarrabi Bamirr program. An evaluation of that program has been done, which is what helped us, in the midyear review, convince our treasury colleagues to support ongoing funding for that program. We are currently in the process of finalising contract arrangements in terms of landing our pilot and making it an ongoing program.

There are a number of justice program services which are packaged together. They include things like the front up service, the interview friends and some of the through‑care support. We are expecting within the next couple of months—certainly within the next 100 days—to go out for procurement for those services. We are looking at doing our procurement processes slightly differently this time. There will be a number of programs in that package. We will be looking to meet with a range of Aboriginal organisations that might be interested in delivering those services, or part of those services. There are four services in the package, and people might put in a tender for one part or they might put in a tender for all of the services.

We are looking to bring people in for an information session and try to do our procurement according to some of the new policies that the government has been looking at in relation to Aboriginal and Torres Strait Islander procurement. We are expecting that to happen shortly. The other key justice reinvestment—

**THE CHAIR**: Ms Playford, could I double-check something? Do we think that will occur within that 100 days?

**Ms Playford**: Yes. We are expecting that to happen in the next month to two months.

**THE CHAIR**: I am conscious that some of the existing arrangements are—

**Ms Playford**: Those ones will be up for tender, and we are hoping to be out in the market within the next couple of months. The other major service that is funded under the justice reinvestment program is the Aboriginal Legal Service. They are currently contracted to provide a bail support service. Our current contractual arrangements are until October this year, and the Australian National University is doing an evaluation of those services. That is not within the 100 days; that is just for the information of the committee.

**THE CHAIR**: That will be separate from the package that you described?

**Ms Playford**: That will be separate from the package that I described. The package I described is front up, interview friends, through-care support and Galambany court services.

The second one was around diversionary housing options. The directorate has very much identified that diversionary housing options—Fred, we have talked about this in some detail—are required, given some of the challenges that we face with the numbers of people that we have at the AMC. We are currently going through the ACT government budget process. These will be decisions for government through that process. Certainly, there are options that the directorate has developed for consideration as part of that current budget process.

**THE CHAIR**: Are those budget processes separate from Minister Rattenbury’s announcements around communities not prisons?

**Ms Playford**: Yes. Communities not prisons did have a housing option. Aboriginal and Torres Strait Islander people may—

**THE CHAIR**: It was not specific, but we are part of the cohort.

**Ms Playford**: access those. There was $6.8 million in that announcement to establish bail, accommodation and transitional support services for the ACT. Aboriginal and Torres Strait Islander detainees would potentially be able to access that service. We have a range of other options that Mr Rattenbury is prosecuting through the current budget process. We will have to wait until June for announcements around decisions in relation to the current budget. We have certainly been working very closely with the public housing people in the Community Services Directorate. I think that you have already had them appear before you—

**THE CHAIR**: Yes, we spoke to them yesterday.

**Ms Playford**: With people like Louise Gilding, we are working very closely to look at how we can more collaboratively put proposals to government in that area. We have also continued to meet and explore with Yeddung Mura, who have been registered as an Aboriginal housing provider in the ACT, as to how we might partner with them. Some of those things are caught up within the budget process. Certainly, I met with them this week and explored some options, which we will continue to explore with the Community Services Directorate.

In relation to access to AMC health services delivered by Winnunga, ACT corrective services in particular, at a very hands-on level, are doing what they can in a very practical sense regarding the partnership between Winnunga and justice health, because it really is about the integration of an Aboriginal and Torres Strait Islander specific health service, in a very practical sense, into the existing justice health service, which is the responsibility of the Health Directorate. We are trying to do what we can to facilitate. We have very practical ways in which we facilitate in terms of escorting people. We have had some good feedback from Winnunga around the work of corrective services in trying to implement that process.

I also sit on a governance committee with Bernadette McDonald, the CEO of Canberra Health Services, and Julie Tongs, to ensure that there is appropriate oversight at a very senior level of the implementation of that very important program. We met just last week, and we will meet within the next 100 days. There are some challenges, and we are working to overcome those challenges.

**THE CHAIR**: I want to highlight those access issues. I take on board that some of the relationship and service delivery issues relate to justice health, and we will ask those questions of them this afternoon. But on a practical level it is about the availability of an appropriate facility within the site and the ability of people requiring the services of Winnunga to be able to access them. I understand that it was perhaps not foreseen at the start, but is there any activity over the next 100 days to look at the availability to do things not based on the traditional 9 to 5 model and other things?

**Mr Pryce**: The last meeting of the steering committee—that involves Julie Tongs, the CEO of Canberra Health Services and Alison—agreed to a forward work plan to set some targets so that we move along the take-up of the service.

This is nation-leading work and we are learning very quickly. The other key decision the steering committee made was to rapidly evaluate what we first thought it would look like compared to what we are learning now. It is around the ability to provide a 24-hour service by Winnunga because originally it was a 9 to 5 model.

We are also looking at whether there is capacity for Winnunga to deliver other services that were initially excluded as we were building up. We are looking to more rapidly move to extend the availability of service. From my perspective one of the more interesting thing is that because their model is a holistic model and includes a social team element that provides real value to us in supporting the whole wellbeing of detainees and not just a dental problem, for example. We are trying to look at how we can further inculcate that into the justice health arrangements.

**THE CHAIR**: That is certainly of interest to us. The key reason for Winnunga going into the AMC is the outcomes that they are able to deliver in the way they deliver services. So the question is how the rest of the system reorientates itself so that Winnunga can do what it does well.

**Mr Pryce**: The steering committee has asked us to accelerate by midyear a preliminary evaluation because we want to be in a position to have sufficient evidence and information to brief the minister and then potentially government for the next budget process. We want build on work that is occurring now so that we can rapidly evolve the model as we learn.

**Ms Playford**: We will be finalising the evaluation in June.

**Mr Peach**: We have been operating the service model for just short of three months. In that time we have integrated 13 people to the service with another two to go over today. While that has been slightly slower than what we anticipated, we now have some commitments to try to escalate that by five a week so the numbers should hopefully increase significantly.

On a practical basis we have overcome a number of challenges already, one of the main ones being the prescribing issues. We have already implemented several areas within the jail that have wi-fi access to allow Winnunga and Canberra Health Services to prescribe medication on site. That is being looked at to make sure that we can expand that even further so we can encourage people to not necessarily go to health care or for paper notes to be taken everywhere around the jail. It is quite rare within a jail for wi-fi to be enabled across the site. That is one advancement we have done.

In terms of the 9 to 5 model, as David has already said, Winnunga have been extremely flexible and positive in working with us to provide the 24/7, and that is well in place now. They have also been exceptionally good in working flexibly with us so that not every patient is required to be seen actually in health care; as with Canberra Health Services a number of clinics are now held across the rest of the site.

While there will always be impediments with availability of space, the flexibility that has been shown has been exceptional. We work on a daily basis with Winnunga to make sure that we get clients to them as soon as we possibly can and we have not had any reports back to my level in delays in access of detainees to Winnunga.

**MR MONAGHAN**: How many Aboriginal and Torres Strait Islander people have been part of a selection panel for directorates in the last 12 months?

**Ms Playford**: We will take that on notice to make sure we get accurate figures for you. I do not think we have that on hand.

**MR MONAGHAN**: When James Ryan was the director eight Indigenous individuals did a working together document. When the new director came in we presented 14 recommendations and this person basically ignored the whole thing. That was of great concern to me. The CEO of the AJC, I as an elected body member, staff from the corrections and probation and parole areas, an aboriginal liaison officer and two community members worked for six months to do that document with James Ryan and his staff and the new director just tossed it in the bin.

I cannot see the point of having panels and discussions about how we can move forward when people can just throw things away. I am really concerned about that. I am not talking about just recently; this is going back a few years ago. I hope that this sort of thing is not going to recur. If a group of people is involved in discussions JACS has to take it seriously otherwise we are just bashing our heads against a wall. I had to raise that because it has been a major concern for me over a few years. I hope JACS can take note of this.

**THE CHAIR**: Member Monaghan, if you still have a copy of that perhaps we could provide it to the directorate.

**MR MONAGHAN**: I have a copy sitting in my drawer.

**THE CHAIR**: I will come to you in a second, Mr Pryce, but the reason for this line of questioning is that if selection panels do not understand how the quality of advice and the experience and perspectives of Aboriginal and Torres Strait Islander people within the organisation benefits your directorate it limits who you employ and how you attract them.

That is the reason for this narrow line of questioning that goes further to what Member Monaghan is talking about; it will complement the existing commitment for third-party service provisions to be community-controlled through expert advice. That is the context for that.

**Ms Playford**: I understand that. Our current Aboriginal employment plan addresses some of these things; I just do not have the numbers on me.

**Mr Pryce**: Chair, given that you are asking for actions and commitments I give a commitment to Mr Monaghan that if you could give me that report I will re-examine it. I am happy to revalidate what we need to do as at 2019, noting that the report was some time ago, and work with you on it as a standing item at our regular catch-ups to drive that work forward.

**MR MONAGHAN**: This gives you an idea of what occurred. If this sort of stuff recurs we have to be able to make some changes to this approach.

**Mr Pryce**: I well understand the point you are making, and that is why it is of concern to me. I am not aware of that report, so I give you my commitment that if you provide it I will work with you to reinvigorate whatever we should be doing. I take on board, chair, the point you made around selection; that is very important.

**MR MONAGHAN**: How many selection panels have had at least one member who has completed cultural awareness training?

**Ms Playford**: Again, I have to take the numbers question on notice. But I note that our current Aboriginal employment action plan includes requirements around selection panels and their composition. I can provide that information. As I said, we are currently reviewing that document to see how we can strengthen it.

**THE CHAIR**: For clarity, that information is incorporated into our hearings report. So when we get information following up from this you will be able to see those answers through that reporting process. Being taken on notice does not mean that they will not be publicly available.

**MR MONAGHAN**: Moving on to question 4, how many instances of racism are generally reported within the directorate each year, and how are they reported?

**Ms Playford**: In terms of the numbers, again, I will probably take that on notice to make sure that we have accurate figures. How are they reported? We have a range of ways they can be reported. We have a network of respect, equity and diversity officers who are staff members right across our directorate. We have staff who will assist people to make complaints through our regular HR processes. Our chief human resources officer can talk a little about that. We have an executive for respect, equity and diversity and we encourage people to raise any concerns around the workplace with that executive. Richard Glenn is currently in that role. And we have an executive champion for Aboriginal and Torres Strait Islander staff, who is Mark Brown, chief officer, Fire & Rescue, and we encourage staff to raise any concerns around these issues with him. On the last part of the question, how they are reported, they would be the most general ways that we hear about those issues.

**THE CHAIR**: Are those incidents of racism by staff members that you are talking about? I am very interested in—

**Ms Playford**: That could be broader. They could relate to the—

**THE CHAIR**: The general community?

**Ms Playford**: Obviously we have a lot of Aboriginal and Torres Strait Islander clients in many areas of the directorate, not just corrections or the courts.

**THE CHAIR**: So the structure that you just outlined picks those up?

**Ms Playford**: In relation to clients and the experiences they might have in terms of the services that we deliver, we have—again, I can probably provide you more detail on notice—a suite of mechanisms of complaints, both at the business unit level and at a directorate level where formal complaints can be lodged. We also have a range of statutory oversight agencies, and we have information for all our service areas about how people can make complaints to, for example, the Human Rights Commission, the Ombudsman and some of the oversight agencies who look at the work we perform.

**THE CHAIR**: With what you provide back to us numbers-wise, could we have not just the number of incidents but also a record of the time it takes to resolve or deal with those matters?

**Ms Playford**: Yes, we can attempt to do that.

**MR MONAGHAN**: I will elaborate on that a bit further. In the issues from within the AMC, it is mainly the senior officers that are the racists. I can recall being told of an incident, an allegation, that this young guy who lived the coast, his mother passed away and he was denied access to go to that funeral then, a few weeks later, his grandmother passed away and he was denied access to go to that funeral, and the senior officer said to him, “Tell your mob to die in the ACT and you’ll get to the funerals.” For me, that is disgraceful.

**Ms Playford**: We have discussed a couple of examples, including that one, before, Fred. You know that you have a direct line to me and to Jon Peach if you become aware of any issues. You have raised those with us, and we attempt to resolve them.

**MR MONAGHAN**: But the problem, Alison, is that when I do make a complaint there is someone else further up saying, “That’s not his character; he’s not like that.” I said, “Well, he said it to these people,” but no-one is doing anything about it, and for the life of me, someone has got to say something to the senior officers, to challenge and question these officers about how they treat Aboriginal people within that prison.

**Ms Playford**: I can assure you that we take those allegations very seriously.

**MR MONAGHAN**: That would be great, Alison.

**MS MCGRADY**: You mentioned before about your RED officers. How many of those RED officers are Indigenous? If there are none, what kinds of steps do you take to make sure that, culturally, if somebody wants to make a complaint and they are an Indigenous worker at AMC, the steps they can take to—

**Ms Playford**: I will hand over to Richard Glenn or Virginia, our chief human resources officer, but I note that we have our social inclusion officer, who is one of our original staff members. He plays a very active role in assisting people in understanding what avenues they have for making complaints.

**Ms Hayward**: I will answer from a JACS perspective. We have 34 RED contact officers, one of whom is Aboriginal and is in corrective services. That group is coordinated by an Aboriginal man as well, the RED coordinator. We also have a senior advisor, social inclusion, who identifies as being Aboriginal as well. The executive champion is the Director-General of Justice. We are encouraging those. We have just surveyed those members. They meet and are encouraging. But we also go more broadly than just cultural awareness. Working with diversity, engaging with different cultures and managing diversity within a team are part of our learning and development training and program.

**THE CHAIR**: You might not be able to answer this straightaway. Are those officers involved in the caucus so that they are able to feed into that networking group what they are hearing within the directorate? You can take that on notice.

**Mr Glenn**: I would have to take on notice whether the particular individuals are involved directly in the caucus, but certainly caucus members are available to them to be able to pass information through.

**THE CHAIR**: I have seen that that is a good mechanism as well; not thinking that we are the only people to speak to, we being the elected body, but that you have some other mechanisms through which those issues could be discussed with the broader Aboriginal and Torres Strait Islander community.

**Ms Playford**: I have just had confirmation that our Aboriginal RED executive is on the caucus.

**THE CHAIR**: Excellent, thank you.

**MR MONAGHAN**: Going back to that question we just spoke about, the racism, the main reason why a lot of the detainees will not make a complaint about it is that some of these senior officers make decisions about which area they go into, if they go into a cottage or if they have contact visits or, when someone passes away, if they go to funerals. Some of those officers make these decisions. This is why the detainees will not complain.

**Mr Peach**: There are two comments I will make. The first is that we have a transparent process in our decision-making, so all our decisions, whether they are made by custodial officers or whether they are made by me at the top, are open to challenge. I hear what you say about people being reluctant to make complaints. But if that is happening, Fred, we need to be made aware of them in the first place to be able to follow it up. I have certainly got no evidence to suggest that that is the case. I would not dismiss the comment but the reality is that, unless people come forward and make those complaints, we cannot investigate them.

We do certainly have appeals procedures and complaints processes, and a number of those complaints will end up on my desk for proper investigation, whether they come directly from the prison or whether they come from a range of oversight bodies, equally. And, as you would be aware, we have oversight agencies, we have the Human Rights Commission and we have the Ombudsman. We have a number of opportunities for detainees to make complaints that do not necessarily rely on ACT corrective services to respond as well.

**THE CHAIR**: I suggest that, as part of that process, as Member Monaghan raises these in what might be seen as a more informal setting, to formalise those responses so that we have a record of how those things are happening, so that Member Monaghan has some assurance about how that is worked. I appreciate that for him to be able to pick up the phone and call at any time is very helpful for him and our community but perhaps if we formalise those responses we can see how that is being addressed and raise further any issues that might not be resolved, if that would be possible.

**MR MONAGHAN**: Question 5, which pretty much comes off question 4, is around how the directorate addresses incidents of racism. We are talking about different processes in this.

**Ms Playford**: We have probably addressed that.

**MR MONAGHAN**: Yes, so I will go on to question 6. How will the drug courts assist Aboriginal and Torres Strait Islander offenders to deal with their addictions?

**Mr Glenn**: Taking a step back, the fundamental premise of the drug court is to provide a therapeutic environment in which people who might otherwise be in custody are supported by a court and service providers that wrap around the court to be able to deal with their drug and addiction issues. That involves regular appearances before the court, regular testing to provide verification that people are complying with the commitments that they make to the court about dealing with their issues, and directions to service provision that will be specifically tailored to that individual.

The drug and alcohol court that is under development now is for the population as a whole, but we recognise that Aboriginal and Torres Strait Islander people who are coming before the court and may be caught up in this process will have particular needs. So there will be an Aboriginal liaison officer who will be assisting not only the court to understand the particular circumstances of that individual and what types of interventions would help with them but also the individual to manage their way through the process with the court itself.

The really significant piece of work that needs to be done, of course, is around the service provision, that is, where we can send people to receive assistance. That work is being done with our colleagues in the Health Directorate and the non‑government alcohol and drug service sector at the moment to design what we can provide people as they go through the court process. The court bit is the easy bit. Service provision is the more challenging piece, and that is subject to a lot of work right now.

**THE CHAIR**: Mr Glenn, when might we be able to discuss directly what that looks like? We would probably want to hear about it from across the directorate so that we are not getting different versions of it. I know Mr Monaghan and other elected body members have raised this several times—that the concept is great, but it might take eight months because there is no rehab bed available in town or the range of other things that might go with it. I understand from your evidence that that is not settled yet, but is there a time frame? Given that the drug court is going to kick off, is there a time frame in which that is expected to be done?

**Mr Glenn**: I am meeting with a range of other deputy directors-general and other senior officers next week to talk about the progress of implementation and to get a governance structure over the top of that. If I can come back to you after that meeting, we can have a direct conversation. I think that would be helpful.

**MR MONAGHAN**: On the drug court situation, I am aware that at the moment there is nothing happening out there for pretty much everyone, for Indigenous and non‑Indigenous people, when it comes to rehab and treatment services. I just heard what David said about something happening in the future. That will be great, but in the meantime probably the majority of our people in the prison have some sort of drug addiction. We have the therapeutic program out there. I go out there on a regular basis and I pick up bits and pieces around what is happening. Some of the people in the therapeutic program are testing positive through urine tests. They are on drugs. People will be going to a drug court and they are already testing positive for drugs. It kills the whole purpose.

There needs to be a big focus on what is going on in the prison in terms of drug use and how they are getting access to those drugs; otherwise we are just flogging a dead horse. People will be coming out of that prison and going to a drug court, you put them in a program, and they will be going in the front door and out the back. You have to sort their problems out inside, in order to help them outside. The therapeutic program that is there is not really achieving anything.

**Ms Playford**: Jon Peach might like to address the issue around corrective services.

**Mr Peach**: The first one I would like to address is contraband. In the last two years we have invested significantly in security and intelligence processes, and we have reduced our contraband—what we are seeing coming in—significantly. We have had a successful year in terms of identifying methods of contraband coming in, and identifying ways to stop that coming in. Of course, the premier problem for all corrective services is actually stopping every route coming in. That is always acknowledged, and we will continue to work closely with the AFP to stop that coming in.

The other thing that is worth mentioning is that traditionally the AMC’s practice, very much around our drug testing, is that we have come from a very punitive approach where drug testing is automatically responded to with a disciplinary offence. What we are slowly moving to is that, while a disciplinary element will still be there, those people that are testing positive on urinalysis tests will receive almost automatic referral for counselling, support and options for ongoing support, so that we actually work with people to take them away from drugs and not just react in a heavily punitive sense.

I hear and share your concerns. There is work going on to address those concerns, to the best of our ability. Some of that will be happening, or will commence, in this financial year, hopefully.

**MR MONAGHAN**: I will go to question 6, on legal aid. There are four programs within ACT Legal Aid being managed by one Aboriginal and Torres Strait Islander female staff member. Is there any proposal to engage an Aboriginal and Torres Strait Islander male in a similar role? If not, why not?

**Dr Boersig**: Thanks for the opportunity to be here; I appreciate it. At one stage we had two field officers, a male and a female. That is when we had funding from the commonwealth for an additional position. The commonwealth pulled that funding about three years ago. The funding currently is for a 0.5 from the government, to provide a position. The commission tops that up into a full-time position. In addition, we have recently employed a trainee. Telitha Elemes will be known to you all, and Taeya Olsen is the trainee.

We have four programs, but the job for those people is so much bigger than that. In fact, it really boils down to two aspects. One is to go out there and find the people, and the other is to train us so that we can provide a culturally appropriate service. It is no good getting people in if you are not able to talk to them.

In that context, about two years ago the board of commissioners passed a policy which meant that we now provide, in any criminal or traffic matter, services in the same way that the Aboriginal Legal Service does, with the same eligibility. That was to address some of those issues around incarceration, and getting in as early as possible. The idea is to make sure that we are providing the right kind of service to Aboriginal and Torres Strait Islander people. I would love to see a male and female person in those roles. Hopefully, we will be able to achieve that. At the moment we are basically doing it within budget.

**MR MONAGHAN**: It has been pretty much an ongoing issue. With respect to legal aid representation, dealing with Indigenous detainees and community is at a high level. I am conscious of the fact that there is only one staff member who is involved with this. I am hoping that in the near future there will be some more progress.

**Dr Boersig**: I think you are on the mark. We realise that, too.

**MR MONAGHAN**: Yes, having more people involved in that as part of the Aboriginal and Torres Strait Islander support.

**Dr Boersig**: One of our major challenges in a mainstream program is providing those kinds of services to Aboriginal and Torres Strait Islander people, and it remains a challenge.

**MR MONAGHAN**: Does ACT Legal Aid have access to statistics identifying the number of families affected by the removal of children within the ACT?

**Dr Boersig**: I handed out, through Margaret, a set of our stats which cover the services statistically that we are delivering to Aboriginals and Torres Strait Islanders in the ACT through Legal Aid. On the back page of that, you will see care and protection proceedings in the Children’s Court, and that sets out the stats. You will see that we hit a very high level there, at 39 people in 2017-18. I would like to pay credit to Louise Taylor, who was the Deputy CEO of Legal Aid ACT. She identified a particular need amongst young women, particularly at the AMC, with babies and so forth, and forged a relationship between us and Winnunga so that we are much more able to provide those services. I reckon that statistic reflects her and Telitha’s engagement with that. I hope we can live up to that. They reflect the stats that we currently have in relation to all of our services.

**THE CHAIR**: In following that up, I refer to the work of—and I am not sure if you are familiar with it—the Our Booris, Our Way committee. It contains only Aboriginal and Torres Strait Islander membership, and it is to review child protection and the over-representation of our families and our kids through that system. It would seem, from the perspective of that group, that one of the structural problems with the system is the unfair fight, for want of a better way of putting it, particularly for families of children who are in contact with the legal system, with respect to child removals and trying to have them returned, and of having someone who can represent them in that forum. Is that what this work is starting to address? With numbers like 40 hearings, when there are 200 kids in care at the moment, I am wondering what connection Legal Aid has to what is being suggested in those recommendations.

**Dr Boersig**: Yes, we are involved in that and have made some submissions around that. We, in particular, made submissions around the decision-making processes within the government department, that they should be more reviewable. We have also put to the government that we should be providing better duty services, not just for the kids but for grandparents.

**THE CHAIR**: The children themselves need their own representatives, but there is extended family who are trying to participate in this process and be connected. Does this work pick up them as well or is it specifically for the kids?

**Dr Boersig**: It should, yes. They are under-represented. In any kind of care proceedings, we are probably representing all of the parties, so it is a real cost driver for us. We are putting to government that there should be a duty service. People make better decisions when they get the right information. There needs to be someone there on the ground to help keep them calm when they are losing their kid, when they are dealing with their mum and dad or dealing with their grandparents. We think that a service right there on the ground is where we need to hit. We are not doing enough there.

**THE CHAIR**: What you have just said makes good sense. In contributing to the work of that review, have you been able to provide to that group, from when you see things at that pointy end of court, some suggestions about where the process could be changed so that far fewer of our kids and our families get to that stage? Is that what is happening?

**Dr Boersig**: Absolutely. In fact, we are urging early intervention before the orders are made. We have a number of cases where children were taken on the day of birth, for example, and we got them back three days later. But the whole issue there is about not taking them on that day. It is about getting in before, and working with Winnunga, working with Telitha—and with Louise at the time—to get good decisions made early on in relation to support for that person who is going to have that baby, whether it is at the AMC or when they come out. The earlier we can be involved, and the earlier people know their rights, the better. Also, with the other players, I know you will accept the importance of grandparents in this process.

**THE CHAIR**: Absolutely, and the service organisations that you have mentioned. To hear that that is informing that process is very useful.

**MR MONAGHAN**: I am going back to JACS now. How many meetings has the leadership of the directorate had with the Aboriginal and Torres Strait Islander caucus, and what plans do you have for caucus going forward under the agreement?

**Mr Glenn**: I need to take on notice the number of meetings, noting the distinction between meetings with the caucus as a whole and the number of times where, for example, we have been co-chairing partnership meetings and we have had the chair of the caucus come and meet with us. So I just need to get those numbers straight.

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

That was an important input into the partnership process. We would have individual partners saying, “This is a green light project. Everything’s working well,” whereas caucus might say, “Well, okay. That’s fine on the metrics you’re looking at, but the reality of people’s experience with whatever is happening is different.” We need to think about whether we are doing what we say we are doing and creating the benefits we started out to achieve. I want to continue that under the agreement.

The other area where we can use the caucus more and get more benefit from the work that they do is in the design and implementation of actions under the action plan—essentially to get more into a co-design arrangement where we get the input at the beginning. We need to do things in a way that is informed by caucus’s experience so that we do not just produce something that we say is going to be great and then get a response at the end of the day that says, “Yes, well, you’ve done what you said you were going to do but that wasn’t what was needed,” or “You’re measuring the wrong thing,” or “It’s not having the impact in community that we want.”

I am hopeful of a very strong and productive role of caucus in the way JACS in particular go forward in implementing our actions under the agreement. I recognise that that is not everybody’s day job and they all have other things to do, so I do not want to overburden the caucus, but there is a real opportunity for us to push into the next level the benefit we have had under the partnership for the agreement.

**Ms Playford**: I note that the first caucus meeting to talk about the agreement and our implementation of our JACS action plan is scheduled for early April.

**THE CHAIR**: For the information of people who have not been part of those conversations, the justice partnership agreement ceases to exist but the arrangements of caucus are basically grandfathered into the new agreement and action plans under that. It is not an action plan that relates to the justice partnership per se but it is keeping pace with what agreement is live.

**Mr Glenn**: Yes.

**MR MONAGHAN**: Can the directorate give an outline of the Moss report recommendations that are yet to be finalised and what is the strategy and the time line for completion?

**Mr Pryce**: Since the last elected body hearings there were two outstanding recommendations from the Moss review: recommendation 5 being the integration of Winnunga into AMC; and recommendation 6 being the provision of a separate remand facility. As we have heard, recommendation 5 has been delivered by the fact that Winnunga is now operating in the AMC.

The only outstanding recommendation is recommendation 6, the building of a separate remand facility. As was recognised by the independent oversight chair and the minister, in his statement to the Legislative Assembly, that is still a matter for government. The Inspector of Correctional Services has just done a review of remandees in the AMC and made a number of findings and recommendations. That work is informing government’s position on this issue. I cannot say anything more other than that it is a matter for government and announcements will be made in due course.

**THE CHAIR**: But it is safe to say it has not been forgotten and is being progressed?

**Mr Pryce**: It definitely has not been forgotten, chair. In fact, part of the work Minister Rattenbury is leading under the building communities, not prisons work is informed by recommendation 6. We take our obligations seriously. Jon might talk a little more on this, but we are doing a lot to address the concerns identified by Ms Moss in his report about remand separation, as well as what the inspector mentioned in his recent remand review. The government is still to respond to that remand review process, so Jon might outline them.

Minister Rattenbury has announced that he does not want to build more prisons, because if we build more facilities we just fill them and we are not addressing the underlying issues mentioned before around drug and alcohol addiction and things like that. We have not forgotten the report; we want to address the issues around remandees. In its response to the inspector the government will further articulate some of that thinking. But Jon can outline what we can do and have been doing in the meantime.

**Mr Peach**: We have been doing lots and lots of work around remandees in particular. We have commenced the new induction unit. As people will be aware, there were recommendations in the Moss report around how we manage detainees newly received to the AMC. That was also referred to in the inspector’s report. In November last year we repurposed a unit to become a newly received prisoner unit. That allows us to provide supports to detainees rather than just keeping them secured behind doors for 23 hours of the day or short periods.

That induction unit is slowly growing to the point where we provide a structured program which provides newly received detainees with care and support for those coming off the street who need support as they adapt to their new surroundings. It also allows us time to assess them to see what we can do to help and support them while they are incarcerated with us and start those management processes. It also allows us time to give them information about the services and supports we have in the AMC to enable them to use their time better.

That works alongside our ongoing development of the sentence management processes which are very much around preparing detainees for release as opposed to relying on everybody else to do it towards the end of sentence. We are changing our focus to release preparedness from almost day one in custody.

As has been well discussed previously, the number of remand detainees we currently have excludes us from separating the numbers completely, especially when one considers the number of cohorts we have in the AMC and the issues we have with non‑association. One thing we are doing at the moment is trying to re-engineer, for want of a better word, the number of cohorts in the AMC to try and simplify the process. Over the years that over-engineering has stopped us being able to mix lots of detainees together and provide a better and more comprehensive service.

That has to be done on a risk basis. We have to unpick the number of cohorts we have. That may—I emphasise the word “may”—give us the opportunity to look even further at whether we can separate remand from convicted detainees. But that is a significant piece of work for us to do at the moment, particularly given the number of remandees we are currently holding.

**MR MONAGHAN**: How does JACS feel about the comments in the Moss report that correctional services were not compliant with human rights processes? A statement was made in relation to Freeman’s passing. What do you say to that?

**Ms Playford**: At the time of the Moss inquiry no formal human rights principles were in place to provide a ready guide as to what we mean by human rights compliant. Since then Minister Rattenbury has launched principles. A range of recommendations in the Moss report went to those issues that have been addressed through the steering committee process to oversee the implementation of a range of changes in the way the AMC operates.

**Mr Pryce**: Obviously there has been a lot of comment on the Moss review, and the minister has spoken to the Assembly on the observations of Mr Moss. The Inspector of Correctional Services has just done his remand review and has raised concerns about the operation of the Human Rights Act in the AMC. The government is yet to respond to that, but there will be a full response.

We work very closely with the Human Rights Commission and the president in all the things we do in the ACM. We seek their advice and we take any reports or allegations of potential breaches or limitations on human rights very seriously. The minister will outline more fulsomely the concerns raised most recently by the inspector, but, as the director-general just mentioned, earlier this year the minister launched for the first time human rights principles for ACT correctional centres. They clearly document the standards and expectations that detainees, visitors, families and friends can have around the application of human rights in the ACT.

**THE CHAIR**: Does that cover Bimberi?

**Mr Pryce**: It does not immediately, but the intention is that it will. There is an implementation time line, so it is adult correctional centres just at this moment.

**MR MONAGHAN**: Can I go off track here and ask a question relating to emergency services? How many participants in the IFARES program completed the training? How many secure full-time Indigenous positions are there in the ACT?

**Mr Brown**: Thanks for the question. We had two graduates of the 2017 IFARES program who took part in our recruit training program in 2018. They are now full‑time employees of Fire & Rescue. There are a further three Aboriginal and Torres Strait Islander people who are taking part in the current IFARES program. We hope that all three of those people will be successful and will be recruited as firefighters around mid this year and will enter the recruit training program.

**THE CHAIR**: Mr Brown, this is not on the questions list because we did that some weeks ago. However, looking at most directorates’ reconciliation action plans over the last couple of days—this is going to sound like a weird question until I get to the point—we notice that there are quite significant commitments relating to smoking ceremonies. Given that some of those occur in ACT government buildings, you have to turn off the sprinklers. Is that right?

**Mr Brown**: Yes.

**THE CHAIR**: What sort of approach does your part of the agency have in engaging some of the Aboriginal and Torres Strait Islander staff to conduct that? Is there a formal process that people need to be aware of or that needs to be developed to make sure that it is done in a culturally appropriate way but in a way that meets code? This happened to me in a commonwealth agency: someone turned the alarms off for the period of the ceremony. Is there a structural way to do this?

**Mr Brown**: There is a way to do this. We are obviously really supportive of smoking ceremonies. We recently made an amendment to the Emergencies Act that allowed officers within buildings to turn off sections of smoke alarm systems so that they would not send a false alarm through. Our fire safety section actively supports that and assists people—the building manager, for example—to do that without impacting on the fire safety in the rest of the building. It is quite common. I guess the answer to your question, though, is that if anyone has any doubts about that, they just contact Fire & Rescue. We will send an officer down there to do that on their behalf.

**THE CHAIR**: Excellent. We are encouraging people to do a whole bunch of things. We want to ensure that we are looking after them as well. That was the last of our formal questions. Are there any other Fire & Rescue or emergency services questions?

**MR MONAGHAN**: No.

**THE CHAIR**: I am happy for you to stay if you like, Mr Brown, but we have asked our specific questions of you.

**Mr Brown**: Yes, I might stay.

**Ms Playford**: Yes, because Mark has a specific role as our Aboriginal and Torres Strait Islander executive champion that is separate from his duties as chief officer, Fire & Rescue.

**THE CHAIR**: The irony of Mr Brown having that role is not lost on me, given his surname.

**MR MONAGHAN**: I go back to JACS. How many matters has the Warrumbul Court operation dealt with? How many matters are anticipated to be dealt with in the 2019 calendar year?

**Mr McIntosh**: First of all, I would like to acknowledge the Ngunnawal people personally and pay my respects to their elders past and present. I would like to acknowledge all the other Aboriginal and Torres Strait Islander people here as well and pay my respects to them, and also to the elected body.

In relation to the question about how many matters Warrumbul has heard to date, the answer is that at the moment it has not received any referrals. What is happening at the moment is that the practice direction is being progressed and settled by the Children’s Court magistrate to ensure that the operation of the court is done in a culturally appropriate way.

There have been a number of consultations that the magistrate has been doing with the community and other stakeholders in relation to that. I think there have been two or three rounds of consultation. It is close to being settled and we would expect that to be settled within the next couple of months. Certainly, it is something that is being progressed. I would like to acknowledge the work of the team in JACS—Ollie Kickett, Michelle Abel and Sabrina Antonakos—who are the coordinators of the program. They have done a really good job. It is making sure that we are bringing something new on and that it is done in an appropriate way. We are providing advice to the magistrate as well. We have deliberately adopted a very cautious and slow process to make sure that the environment we set up is an appropriate one.

**THE CHAIR**: Mr McIntosh, is it fair to assume that once the practice decision is made everything else is right to go?

**Mr McIntosh**: Yes, absolutely.

**MR MONAGHAN**: Has the Yarrabi Bamirr methodology been included in the throughcare program? If not, why not? Are there statistics about the throughcare intensive correctional orders programs in relation to Aboriginal and Torres Strait Islander detainees? What is the success rate?

**Ms Playford**: Nova Inkpen will start on that one and then hand over to Jon.

**Dr Inkpen**: Yarrabi Bamirr is our family-centric justice reinvestment trial. We are very pleased to have been able to run that trial, through the critical support of Winnunga, evaluate that trial and receive recurrent and ongoing funding for that. There are two other Aboriginal organisations that contribute significantly to running Yarrabi Bamirr. They are the Aboriginal Legal Service, as well as the Women’s Legal Centre’s Aboriginal and Torres Strait Islander program Mulleun Mura.

**THE CHAIR**: Dr Inkpen, I apologise.

**Dr Inkpen**: That is okay.

**THE CHAIR**: The question actually goes to—I am conscious of the time now.

**Dr Inkpen**: No, that is okay. Those two organisations work—

**THE CHAIR**: We are very happy with Yarrabi Bamirr. The question was: is what you have learnt from that being applied to throughcare?

**Dr Inkpen**: Sorry, I was just explaining that those two organisations are supporting families who are connected with throughcare, coming out of throughcare as their transition point. I just wanted to make sure that the elected body and the room understood that connection. There is critical work we do with throughcare in relation to the primary clients who are members of the Yarrabi Bamirr program and the support that they get in that program. We continue to work with the throughcare program and look at that family-centric service model and the provision of that model to the individual and their family in relation to exiting the AMC through the throughcare program. That is the first part of that question. I am happy to come back if there is anything I have missed.

**Mr Peach**: In terms of intensive corrections orders, I will have to take that on notice because I do not actually know the numbers to date. What I can say is that we do get very few breaches of intensive corrections orders at the moment; so it does appear to be successful, but in terms of actual statistics, I will take that on notice.

**Ms Playford**: I just note that there is a statutory review of the intensive corrections order program that will be occurring in 2019. We will be definitely ensuring that the approach we take to the evaluation makes sure that we have particular information about the Aboriginal and Torres Strait Islander components of that program.

**THE CHAIR**: Thank you.

**MR MONAGHAN**: I want to want to elaborate on this question. It is a major issue that we have a hell of a lot of our people out there on remand. There are quite a number of them out there on breaches. Once they come back into the community these programs—the throughcare, intensive correctional orders and justice reinvestment processes—are pretty much not working for our people. As you are probably aware, the chances of our people returning to that prison are pretty high. There are a lot of programs being offered to people when they are released back into the community. But a lot of them are not participating in some of these programs. This is why we get a lot of people with all forms of breaches. I am sorry, Alison, but my feeling is that there needs to be more funding put into these programs.

**Ms Playford**: Yes, I agree absolutely with you, Fred. That is a matter ultimately for the government. But I would absolutely endorse it. I guess the approach we have taken is to try different programs on the assumption that if you keep doing the same thing, you get the same result. Try different things and make sure we have got good evaluations in place so that we can give good advice to the government about funding options. I think we have talked about the fact that we all think that the government needs to look to prioritise accommodation. That is an absolutely key issue at the moment in terms of alternatives to custody.

**MR MONAGHAN**: I will go on to the next question. How successful has the bail support program been in reducing the number of people on remand and reducing the length of time they are in remand?

**Dr Inkpen**: I can answer that question. Ngurrambai is our second justice reinvestment trial. We are working with the ANU to evaluate that trial. They were advisers and helped set up the way we could conduct the trial and ensure that the data that we are gathering for that can answer that very question. We know that the number of people on the passport trial has been 92 clients to date. It started on 7 December 2017. It was formally launched then. They were actively supporting 32 clients as at 28 February 2019. We are working on the evaluation. The evaluation will be available later in the year. That is the big question that we are looking to answer as a consequence of that.

**MR MONAGHAN**: I am conscious of the time; so I will move on to the next question. How many elders are participating in the Alexander Maconochie Centre visiting program? Are they supported to do so?

**Mr Peach**: I will start first and I will hand over to Mark Bartlett. Just so people have a good understanding of the visitation program, the elders and community leaders visitation program—

**THE CHAIR**: Sorry, Mr Peach; we just need you to answer—

**Mr Peach**: Okay.

**THE CHAIR**: the direct questions. How many elders are there? What types of support are there? I am conscious of the time. It is not that it is not a valuable program. We probably have about two more hours of questions to ask in 40 minutes.

**Mr Bartlett**: Fred, you are one of the more consistent visiting elders that come out and visit on a very regular basis, almost monthly. We currently have seven people on our books who come out, in terms of visiting elders. We are always interested in being able to increase that number. I am mindful that, out of the seven community members that come in, four of those come in on a very regular basis and carry a very substantial load.

I also appreciate that with our visiting elders we have moved from not just coming out and visiting all of the detainees and running forums, but having walk-around meetings. People that do not like to come to a group forum also have access to our visiting elders. Some of those elders are coming in and doing follow-up, one-on-one meetings with people. Some people that they are meeting in the group setting are actually requiring some more personal and some more individual support. In terms of support for people to do that, we have a regular schedule.

**THE CHAIR**: Like a roster?

**Mr Bartlett**: Yes. There is a regular schedule. We remunerate the elders that come in for their time, for the group settings and for the individual meetings. We cater for the events that are held, when we are running those group meetings.

**THE CHAIR**: Is there any level of debrief or personal support for the elders, given some of the issues they are being asked to deal with?

**Mr Bartlett**: A key part of the visiting tours is to go around with either our Indigenous services coordinator, Mr Witham, or our Indigenous liaison officer, Mr Clarke. We include a lunch after the visit. We will sit down and have lunch, and have a bit of an informal debrief there. The elders also provide for us a written evaluation of what has happened. If there are any issues that they have come across, anything in particular that they want to raise, that is reported back to us. That is really valuable. I really appreciate the efforts, Fred.

**MS CHIVERS**: You were saying that there are currently seven elders that participate. Are you looking to increase that number?

**Mr Bartlett**: Absolutely. We will take as much interest as possible. I am really mindful of the commitment that people make. It has been the same people, generally, making the commitment year in, year out, since we first started. We are definitely interested in being able to broaden that. I understand that it is quite a responsibility. If you would like to steer anybody my way who is interested, please do so.

**MR MONAGHAN**: David Witham is doing an excellent job with that.

**Mr Bartlett**: Thank you.

**MR MONAGHAN**: He is building up a good relationship with the elders, which is great. But there is another little sticking point. We go to the visitor centre, and the elders are sitting there and talking to the male and female detainees. Being an elder, they need to go to the toilet. On occasions the custodial officers pretty much challenge that. There should be easy access to a toilet. I can recall one of the elders had to go through about five or six doors to get to a toilet. That is something that needs to be reviewed—why that is happening.

**Mr Bartlett**: Certainly, Fred. I am happy to take that on board and resolve that. There are toilets for visitors in the visit centre, so I do not see why—

**MR MONAGHAN**: I will not go into details but there is a lot of mistrust by custodial officers of Aboriginal people going into a toilet. Everyone has this idea in their head that we are hiding drugs. I am just saying that, but that is the feeling I get. It is very disrespectful if they are thinking in those terms in relation to the elders. There needs to be a review of how elders get access to a toilet—

**Mr Bartlett**: Certainly, Fred; I am happy to take that on board and make sure there is a protocol around that.

**MR MONAGHAN**: and that they do not have to go through about five or six doors to get to a toilet.

**Mr Bartlett**: I am not aware of any instances with any elder visits where there has been any attempted introduction of any contraband.

**MR MONAGHAN**: Yes, that is correct. I will go on to the next question. What plan does the directorate have to assist organisations like Yeddung Mura to grow, enabling them to meet the needs of Aboriginal and Torres Strait Islander people on community‑based orders?

**Ms Playford**: We continue to meet regularly with Yeddung Mura and look at opportunities where we can partner with them in some of the justice programs that we provide. Certainly, we are pleased that they have also been working closely with our colleagues in the Community Services Directorate, public housing. I talked earlier about some of the things that we have put to government in terms of options that are being considered through the current budget process. We hope that we may be able to work more collaboratively in the future and that there might be some funding available to help to support organisations like that.

We are very keen to look at what we can do as a directorate to make it easier, in terms of the procurement processes for the various programs that we run. I talked earlier about some of the different ways we are hoping to do that. I will not elaborate on that, given that I have already given that evidence.

**Dr Inkpen**: That covers our approach, yes.

**Ms Playford**: In fact, I met with the team at Yeddung Mura on Tuesday, earlier this week.

**MR MONAGHAN**: Going to the next question, how many internal Aboriginal and Torres Strait Islander staff have had an opportunity for two weeks or longer for a higher duty allowance in the last year?

**Ms Playford**: It is probably best to take that on notice, to make sure we get the stats right. There are definitely some.

**MR MONAGHAN**: I will go to the next question. The directorate’s Aboriginal and Torres Strait Islander action plan is due for renewal this year. Can you explain the process that you will be undertaking to complete this?

**Ms Hayward**: It is part of the broader review of the JACS strategic plan, the workforce strategy, the inclusion statement and our disability employment action plan. We are running two staff networks, on 10 and 12 April, to look at attraction, retention and career development opportunities, and to build a better version 3 for the employment action plan. That will go through a series of other consultation mechanisms, but the staff network is the first one, on 12 April.

**MR MONAGHAN**: Has the number of diversionary options available to police for Aboriginal and Torres Strait Islander offenders increased over the last year? Is that an AFP question?

**Dr Inkpen**: We are working closely with police around the different models that are available. They are obviously working on a policing services model and looking at the prevention and diversion opportunities that sit there. We are still working with them as part of the broader commitment we have to reduce recidivism by 25 per cent by 2025. Crucial to that, under the building communities, not prisons work and the justice reinvestment work that we have done over the last four years, is building those diversionary options. We are continuing to work with police to understand what options they want to use.

The expansion of restorative justice, and the ability to refer more serious offenders and adult offenders is an opportunity to look at those diversionary mechanisms. We are working with the Chief Police Officer, as well as his staff, to ensure that they are making full use of the restorative justice referral process that sits there.

**THE CHAIR**: Dr Inkpen, even if it is just to give us one example of something between the last hearings and now—and granted that the diversionary options do not just sit within this directorate—what expansion or new program has been put in place as an option for police to divert people to? Is there anything new?

**Dr Inkpen**: Can I take that as a question on notice? I can have a look at the types of work we have been doing and be more specific about what we can do.

**THE CHAIR**: Thank you.

**MR MONAGHAN**: What is being done to ensure access to timely legal advice and support for Aboriginal and Torres Strait Islander families in contact with the child protection system?

**Ms Playford**: We have been working with the Chief Magistrate around the model of service in the Children’s Court. She is very supportive of looking to move towards a therapeutic model of care, which would be a slightly different way of conducting the court proceedings in that area. That is something that government is considering. When John Boersig gave evidence, he made reference to the proposals that he has put to government around having a duty service available for legal aid. They are probably the initiatives that are being explored at this stage, and both of those things are matters for the government.

**THE CHAIR**: Ms Playford, so that I understand the type of legal advice, I think this question goes to two parts of the cohort—legal advice for kids entering or being in contact with the child protection system, and potentially children who are on protection orders who have other legal needs rather than just their care.

**Ms Playford**: The first part of my answer, in relation to the Chief Magistrate’s desire to move to a more therapeutic model of care, would be the wider—

**THE CHAIR**: It is for that. Thank you.

**MR MONAGHAN**: What is the directorate doing to stop the increasing number of Aboriginal and Torres Strait Islander detainees?

**Mr Pryce**: One of the best answers is that the building communities, not prisons initiative that Mr Rattenbury announced earlier through the 2018-19 budget review is specifically aimed at reducing crime and preventing people from falling into the criminal justice system. There are six streams of work under that initiative. One is reducing the over‑representation of Aboriginal and Torres Strait Islander people. One is increasing justice accommodation options. One is responding to the impacts of drug and alcohol dependencies. One is providing more early support for people living with mental illness or disability. Another is opening up more pathways for safe and sustainable bail. The final one is continuing to develop community-building capabilities.

We have the overarching goal of reducing recidivism by 25 per cent by 2025. That being the overarching goal, building communities, not prisons—the initiative through which Minister Rattenbury is driving this work—is a whole-of-human-services system process. So it is not just our directorate; it is working across all directorates to achieve the outcome of reducing over-representation of Aboriginal and Torres Strait Islander people in particular within the criminal justice system. We are going through our budget process now, so that is all I can say now, but we look to that process’s outcomes in due course.

**THE CHAIR**: We are happy to hear more soon.

**Mr Bartlett**: This is part of the transition from the justice reinvestment trials that we have been conducting and that we were talking about before, moving into a more permanent state, and addressing specifically the target the government has set of reducing recidivism by 25 per cent by 2025. So it is a continuum of all the work we have been doing thus far and pushing it out with that particular focus on recidivism.

**MR MONAGHAN**: The AMC reported that 0.88 per cent of programs budgeted are allocated to Aboriginal and Torres Strait Islander programs. This appears to only relate to one‑off events such as NAIDOC. What other needs of Aboriginal and Torres Strait Islander people are met in the remainder of the year?

**Mr Peach**: To put this in perspective, it is actually 1.068 per cent of ACTCS’s year‑to-date budget that is spent on programs for Aboriginal and Torres Strait Islander people for this year.

**THE CHAIR**: The number we used was from a generic questions answer.

**Mr Peach**: This is the year-to-date one for this year. I am happy to have that corrected on the record. NAIDOC obviously is part of that, as are one-off events, but we also provide a range of services across the year. Alongside things such as the transfer of arts and culture program, which replaced the previous Indigenous traditional culture healing and yarning program, we have the AMC Indigenous chaplain service and we have the circle of security parenting program. We run the CALM program, which people will be familiar with, and a range of other adult programs and supports as required and as identified. NAIDOC forms actually a relatively small part of that. I will make one further amendment: the figure that was reported in the generic answers was that 350 people attended last NAIDOC. That should actually be 250. But it was still the largest NAIDOC we have delivered on since the inception of the AMC. As I said, a number of programs and interventions are already provided. NAIDOC is but one of those. NAIDOC, as you quite rightly said, is a one-off event.

**Mr Bartlett**: In the previous 12 months, we have made a really concerted effort, particularly in our Indigenous services space. We have employed an Indigenous services coordinator. We now have a dedicated Indigenous services unit that is based at the prison. That includes our Indigenous program support staff. It also includes our Indigenous liaison officer staff member. We have tried really hard to bring together all of the different supports and services and things that are being provided. We have Winnunga on board now. The social and relationship wellbeing team has been a fairly regular feature for the last couple of years, but we are introducing the clinical side of the services. We have had family group conferencing that has been running. We have had Circle of Security from West Belconnen—

**THE CHAIR**: The question is about what money you guys are spending, not what other services are spending in the AMC.

**Mr Bartlett**: For all of those services that are coming in—

**THE CHAIR**: Yes, but what are you guys spending?

**Mr Bartlett**: The dollar amount will be in Jon’s diagram. I am just trying to identify where it is going.

**THE CHAIR**: I am just trying to bring the time back. If what you want to provide to us is about budget spend from the AMC, that is great. Otherwise we are going to keep moving.

**Mr Bartlett**: Okay. We will keep moving.

**MS HUGHES**: In relation to the spend, did you say “chaplaincy service”?

**Mr Peach**: Yes, there is an AMC Indigenous chaplain service that rolls out of there. We pay for pastoral care for—

**MS HUGHES**: It is specifically Indigenous?

**Mr Peach**: The Indigenous service is, yes.

**MR MONAGHAN**: What supports and follow-up were provided to the detainee housed with Mr Freeman at the time of his death?

**Mr Peach**: That is one I am going to have to take on notice.

**Mr Pryce**: I can answer, because I was there. Fred, again, I acknowledge the death of Steven Freeman and the ongoing trauma and effect that that continues to cause to the Aboriginal and Torres Strait community. There were supports provided to all the detainees in the AMC at the time, because this was a death in custody. While it particularly impacted upon those detainees that were close to him, and on the Aboriginal and Torres Strait Islander detainees, it had an enormous impact across the whole AMC. So there was both health and psychological support provided. I am unable to go into to more detail, because people can identify issues. There were supports provided.

**THE CHAIR**: Has that been more ongoing, rather than just checking on the day: “Are you okay?”

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

**MR MONAGHAN**: I saw Mr Freeman the day prior to his passing. He had a really close connection to a lot of those detainees, particularly his cellie. I spoke to him on a number of occasions.

**Mr Pryce**: It impacted profoundly also on the corrections staff that were there and that tried to help, too.

**MR MONAGHAN**: I will go on to the next question. I understand that the AMC has taken on the management of artwork sales by the detainees. What is the process for this? What are sales? How are sales managed? How are the painting supplies required provided and under what conditions?

**Mr Bartlett**: Yes, we have. We have expanded our detainee art sale program, specifically around Indigenous artworks. We have had a number of exhibitions over the last few years where we display artworks to people who would be interested in purchasing them. We had a manual kind of process for people to be able to purchase those, and then the funds were transferred back to detainee accounts.

Now we have got an art catalogue, a PDF document that we can send around. It identifies the artworks, the size of them, the prices for them and the stories behind some of those particular artworks. For the process for sales now we have moved to an electronic system. People can purchase them online. It is a bank transfer system. All of this is being coordinated through our Indigenous services coordinator. A hundred per cent of the funds are transferred to the detainees. It goes straight into the detainee trust accounts, not into any of our support services.

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

**MR MONAGHAN**: What is the percentage of Aboriginal and Torres Strait Islander detainees who have been on remand over the last 12 months?

**Mr Peach**: We will have to take that on notice.

**MR MONAGHAN**: I have been attending the caucus meetings as a co-chair and on numerous occasions I have asked for statistics around that. For some reason you just say, “We’ll get back to you”. I am worried—are these stats being kept? Are they accessible?

**Mr Bartlett**: I can give you today’s figures. Today we have 11 women in custody who identify as being Indigenous and six of those are currently on remand. We have 91 who identify as being Indigenous and 38 of those are on remand. Overall it is about 22 per cent today. It is 21 per cent for the men, which is much improved, and it is 31 per cent. Again, they are over-represented, but that figure has also improved. So 101 people who identify as being Aboriginal or Torres Strait Islander woke up in custody this morning. That is an improvement of 20 people over the last couple of months. It is still too much.

**MR MONAGHAN**: Most definitely. Per population we are only a small number.

**Mr Pryce**: Reducing the number of people on remand is a key goal. As Mr Moss pointed out as well, that is an area where we need to make significant improvement.

**MR MONAGHAN**: Has there been an increase of Aboriginal and Torres Strait Islander female detainees over the last 18 months? Does the directorate have an Aboriginal and Torres Strait Islander female staff member as an ILO?

**Mr Peach**: We have several Indigenous staff members but we do not have a dedicated female indigenous liaison officer at the moment for female detainees. That is subject to funding and at this moment in time we do not have a female ILO.

**THE CHAIR**: Do you have an Indigenous female staff member?

**Mr Peach**: We have several Indigenous female staff members in the department.

**THE CHAIR**: At the AMC?

**Mr Peach**: Yes.

**MR MONAGHAN**: But not ILOs?

**Mr Peach**: No.

**MR MONAGHAN**: That is a concern for me. As we know, in our culture a lot of the females would be more comfortable talking to a female person, whether Indigenous or non-Indigenous. There is an issue for me in terms of whether a female would get better information from the detainee than a male.

**Mr Peach**: We have a number of female staff members in the AMC and Aboriginals and Torres Strait Islanders, but they are not dedicated ILOs.

**MR MONAGHAN**: My recommendation is that there should be more because of the big increase of females out there. It is becoming an issue. How is the directorate dealing with recidivism and what impact does this have?

**Ms Playford**: David mostly answered this question when he talked about the announcements of Minister Rattenbury around the building communities, not prisons work, which is providing the platform. He has discussed already the streams under that so I will not go back over that. But that is the platform that will feed into the recidivism plan. It is very much off the back of the work that has been done in the justice reinvestment space over the last few years. Those trials are very much informing where the priority areas need to be.

**MR MONAGHAN**: What has been the success rate of the Solaris rehabilitation program within the AMC and who is illegible to participate in the program?

**Mr Peach**: We will have to take on notice the number of completions. Obviously what dictates a success is subjective, but we can certainly provide the number of completions over the last 12 months or so. As to the eligibility factor, Mark, do you have a response to that?

**Mr Bartlett**: Yes, certainly. The eligibility criteria for men is that they have an alcohol or another drug or substance abuse issue. There is not a requirement that they be sentenced but because the treatment component of the program goes for four months they need to be remanded for a period where they could complete that. We have people on remand who participate in that program, normally people on long-term remand who understand they are going to be in there for a long period of time.

Other than that, it is for people who are sentenced but who have an alcohol or other drug or some sort of substance abuse issue. It is an alcohol and other drug therapeutic community and is run in partnership with Karralika programs in the community. They have been running residential rehabilitation programs for about 30 years, so we have partnered with them to deliver that.

**MR MONAGHAN**: Why is it not available for females? Is there an issue there?

**Mr Bartlett**: It is in terms of numbers and duration. The treatment component of that program operates over four months. The readiness component can operate for two weeks to two months and the graduate component can be ongoing. Most of our female detainees are on remand and they are generally on remand for fairly short periods. So there is not the time to complete an actual program as a group program.

We have tried to incorporate some of the learnings from the program. It is a peer‑based communities method program, so we have introduced things like morning meetings. We run that in the entire women’s area and invite people to attend that. But most of the alcohol and other drug programs and supports in our women’s area tend to be individual interventions.

**MR MONAGHAN**: How many of the 101 Indigenous detainees are on methadone?

**Mr Bartlett**: I do not know.

**Mr Peach**: Justice health may be able to tell you that.

**Mr Bartlett**: I am not sure about the medications.

**MR MONAGHAN**: That should be highlighted somewhere—how many people go in there not on methadone but finish up on the methadone when they are prison? I have seen this over a long time. David, you might have some response to this?

**Mr Pryce**: I appreciate and understand your concerns. One of the recommendations of the Moss review was a review by the Health Services Commissioner into the opioid replacement therapy program, and the government is implementing a number of other recommendations. The question is probably more for the Health Directorate, but we are working closely with them as it is an area of interest for us.

If people come into prison with a drug addiction or something we want them to go out without one. And we do not want people to come in and acquire an addiction or an interest in drugs. It is an area of focus for us and we are working with ACT Health. The numbers need to be reduced, but it is ultimately a health issue.

**MR MONAGHAN**: I could talk forever about this. I have heard of a few people on remand who were getting medications for whatever—back pain and all sorts of medical issues. They were being treated with medications to deal with that pain when they were on remand but once they were sentenced Health would not give them the medication and just offered them the methadone program to deal with that pain. Is that correct? I have heard this.

**Mr Pryce**: Health will need to answer more, but this is an area of focus as part of that working group with Winnunga. Another component we add is our work around structured days and ensuring detainees have a fulfilling and active day. The feedback I get is that if the detainees feel they are just locked up, stockpiled and just doing nothing, they are susceptible to taking drugs, whether illicit or prescribed, just to pass the time away. Again, this is an area of focus for our directorate. My position is that I generally agree and we would like to see those numbers reduced.

**MR MONAGHAN**: I have had dealings with an older guy who never used needles or heroin or any other forms of drugs; he just had problems with alcohol. He went in there and had issues with back pain. He was given medications and he was okay with that, but once he was sentenced they stopped that medication and offered him the methadone. He refused it and said, “I’m not addicted to drugs. Why would I walk away from my medication or be denied my medication to go on drugs to deal with my problem?”

**Mr Pryce**: As I said, it is a focus area of our discussions with Winnunga as part of their integration.

**THE CHAIR**: So we can take that on board as something to ask Health in the session this afternoon.

**MR MONAGHAN**: Is there any form of mentoring program for newly released Aboriginal and Torres Strait Islander people when being released back into the community?

**Mr Bartlett**: Yes, there is a new one at the moment, Fred, with the Worldview program. Essentially, this is an organisation that tries to provide an employment and wellbeing opportunity, as they refer to it, for people. So far we have had 25 people go through the program in custody. They ran a 13-week in-custody component. There were some women that participated in that pilot program as well. That program is delivered with a number of Indigenous mentors. There are two male and one female Indigenous mentors that come into the prison to work with the detainees there.

If they take up that opportunity post-release, that can include accommodation, accommodation supports, transport, employment, family counselling, and transport assistance. If people have appointments in the community and they do not have any transport, they will provide the transport as well. It is probably the most holistic program that I have seen being delivered. It is a post-release program, essentially, but they understand that in order to engage with people properly you actually need to engage with them in place. Certainly, the pre-release component of that has been really useful in building up the rapport, and creating that pathway for people to continue through. The same staff deliver that both inside and outside.

**MR MONAGHAN**: Just to correct that, it is a voluntary program.

**Mr Bartlett**: All of our programs are voluntary, Fred.

**MR MONAGHAN**: It is not a “must” to go out and link up with Worldview and participate in their accommodation and work programs. These people can just walk away and say, “I don’t want to be here anymore.” So it is only a voluntary thing.

**Mr Bartlett**: Yes.

**MR MONAGHAN**: I see that as a positive but I also do not see it as a real connection. I think there need to be more established ways of having some programs out there. Maybe some of the Aboriginal organisations could have mentoring programs outside—the yarning circles—because I know it happens inside.

**Mr Bartlett**: They are trying to link that as much as possible. Things like the circle of security programs that are being run by West Belconnen Child and Family Centre will continue. Anybody who participates in one of those in custody can continue to participate in the community. That is one of the key things that we try to do. We try and build, with any of the programs, that kind of linkage into the community. Generally, people do not spend very long in custody. It provides us with a bit of an opportunity, but we need to take that opportunity and be able to build that into the community.

**THE CHAIR**: Having said that, we need to recognise that once someone has served their formal sentence we need to be careful about opt-in requirements when they have completed their sentence. The elected body might come back to the directorate post some of our consultations on ideas as to how that might be achieved.

**MR MONAGHAN**: Are there any Aboriginal and Torres Strait Islander mental health identified programs within the community?

**Ms Playford**: That one is probably best directed to the Health Directorate this afternoon.

**MR MONAGHAN**: Okay. What evidence does the directorate have to identify their success in existing programs?

**Ms Playford**: Is that with reference to the mental health programs—the question before?

**MR MONAGHAN**: It is across the board, I think—throughcare and intensive corrections orders.

**Ms Playford**: Certainly, we have been working to ensure that, with the various trials that we have run, particularly in the justice reinvestment space, we have included an evaluation framework. With the building communities, not prisons work, we are very much stressing to government the importance of having an evaluation framework related to those.

We have had an evaluation in relation to the Yarrabi Bamirr trial. We are currently briefing the minister on that and expect it to be released shortly. We will provide a copy to the committee when that has been released. At the last hearings we talked about the evaluations that were done of the Galambany program and the restorative justice program. We have evaluation occurring at the moment in relation to the bail support program with the Aboriginal Legal Service.

We are very much trying to ensure that we have a system of evaluation. Corrective services also have a new process for evaluation of their programs. I will ask Jon Peach to speak briefly about the approach corrective services are now taking around evaluation.

**Mr Peach**: We have just established our own evaluation framework. It has not actually been rolled out yet. It will start looking at making sure that our programs and interventions are best practice and evidence based. We have also been working very closely with Queensland corrective services, who have a significant research platform within their own corrections agency. Again, it is very much evidenced based in terms of what they are delivering. They have done some fairly comprehensive jurisdictional scans of existing programs.

Only last week I met with a research consortium from Swinburne University, to look at different opportunities to work with some universities and with people that have been heavily involved in programs and interventions in Australia, the UK and around the world, in terms of evaluation of program interventions. It is about starting to look at conducting our own evaluation of the ones that we deliver now, and also identifying other programs to see what is best practice for corrections.

**MR MONAGHAN**: This is a big part of the problem. There are a hell of a lot of programs that are happening out there through the justice system, for youths and adults. But no-one is really keeping an eye on the success rates of these programs. We are still throwing these people into programs, and a lot of them are failing. From my point of view, if they are failing the people that are coming out of prison then the government has to review these things. The word is “evaluation”. If these are not working, why are we funding these programs?

**Ms Playford**: Yes, I agree; absolutely.

**Mr Peach**: That is right. That is exactly why we are doing the work that we are doing.

**MR MONAGHAN**: It is all about talking to the community, and communicating with the elected body, some of the community members and people that are working in the system. If you leave these people out of the discussion, you are flogging a dead horse.

**Dr Inkpen**: It has been central to the justice reinvestment work that we have done. Certainly, we keep building that evidence base and the relationships that we have. With the evaluations we are conducting, critical to that is making sure that we are talking to the people who are using the programs, the people who run the programs, and making sure that we understand what will work.

Having developmental evaluations like the one we did with Winnunga, which helped to shape the way we were delivering a family-centric model, really helped to ensure that we were able to demonstrate we were achieving the outcomes we were seeking. So evaluation is crucial, and it has been underpinning all the work we do. It certainly sits well within the work we are taking forward now.

**Ms Playford**: Our Aboriginal and Torres Strait Islander caucus has certainly been invaluable to the directorate in getting really direct feedback from our staff who are involved in the implementation of programs around how they are going and what they think are the real issues. Certainly, that has been a really valuable source for the directorate in terms of the way we deliver some of our programs.

**MR MONAGHAN**: Over the last two years, how many Aboriginal and Torres Strait Islander women detainees have given birth while in custody?

**Ms Playford**: We might take that on notice. I know we have had a number of detainees who have been pregnant, but in terms of exact status at the time they have given birth, we would need to go and check the statistics.

**Mr Peach**: I cannot think of any, but we do need to check.

**Ms Playford**: I think the couple that I am aware of actually—

**Mr Peach**: Released just before.

**Ms Playford**: were released just before they gave birth, in a couple of circumstances.

**Mr Bartlett**: We have facilitated some breastfeeding as well. We will take that on notice.

**THE CHAIR**: Yes, come back to us on that.

**MS HUGHES**: I am interested to know how many were pregnant as well.

**Ms Playford**: Okay, we will add that to the information.

**MR MONAGHAN**: Is the cultural heritage program still running at the AMC?

**Mr Bartlett**: By that do you mean the—

**MR MONAGHAN**: I think it is to do with Andre; is that an Andre program?

**Mr Bartlett**: Yes, the cultural and land management program is still operating. There are currently 18 men and two women that are participating in that on a full-time basis.

**MR MONAGHAN**: It has become pretty obvious that a lot of detainees are asked to go to particular programs. But on some days there is a lack of staff, rovers, to take people to their particular programs. A lot of people are missing out on their programs. I encountered a young guy there the other week. He was due to front the parole board. He had to do anger management and a number of other programs, but he was not getting to these programs because there was a lack of staff. Staff will take sick leave; the people that are running these programs take sick leave. Some of these people, around probation and parole, are being denied the opportunity to attend some of these programs that they need to present to the parole board, when it comes to decision‑making around whether they get parole or not.

**Mr Peach**: As with any organisation, we do have occasions when things are cancelled because we have a staff shortage or staff sickness. Obviously, we need the right facilitators to deliver the programs. We endeavour to make sure that the programs that are scheduled do run. We are increasing our program delivery. One of the challenges that we face, that we spoke about earlier, is cohort management and making sure that there are enough people available to run a program. That is more of the issue with programs, as opposed to them being cancelled on a day-to-day basis.

**THE CHAIR**: Mr Peach, I am mindful of the time. Perhaps on notice you could give us an indication of how many times programs were not able to be run.

**Mr Peach**: Yes.

**THE CHAIR**: Sorry, Member Monaghan; I am conscious that we are a little behind.

**MR MONAGHAN**: Yes. Have you been advised that in the lead-up to Christmas last year Christmas cards were provided to detainees to fill out to send to their families? Can you explain why there were delays in getting these to the detainees? What is being put in place to ensure that that does not occur again? Again, it is a lack of people out there working with our people in that prison.

**Mr Peach**: That is not actually correct. We are acutely aware of the incident that happened at Christmas. We spoke earlier about contraband and the ability to bring things in. As a consequence, the AMC has very strict protocols around how we get things in, how we bring those in. Unfortunately, on the discussion that occurred around the Christmas cards at that time, the notice that was given by the providers of those cards did not give us the opportunity to actually follow through on our security processes. When they were delivered, they were actually pushed out to detainees within a number of hours. The actual breakdown was not one of the AMC’s; it was one of discussion and communication at that point.

**THE CHAIR**: Mr Peach, given that it is March and Christmas is some 8½ months away, are you confident that this is sorted for the future?

**Mr Peach**: We have the facility to do it. If community providers want to facilitate those types of events, we just need to be told in advance so that we can make those arrangements.

**THE CHAIR**: How much time would you need?

**Mr Peach**: We just need a phone call and a day or two notice to actually pass that.

**Mr Pryce**: Can I just add to it?

**THE CHAIR**: Okay; just so I have the context right.

**Mr Pryce**: This related to Winnunga. There were some learnings from the way that played out. But the cards were delivered. We are working on how we can do things into the future. It highlighted again that there are things we can do that have a significant impact upon the detainees and their broader families. Sometimes they are quite simple, such as the ability to provide cards.

While we are on this, there was an unfortunate breakdown in communication and process around that. I do not want to lose the fact that JACS also significantly contributed to Winnunga in providing toys and presents that were then attached to those cards that were delivered to the detainees’ family members. So while there were learnings for us in how we dealt with that, I do not want to lose the significant goodwill. We did learn and we want to do better next year. I am confident we will, chair.

**THE CHAIR**: To be honest, the purpose of the question is to make sure that that builds and goes forward, that it does not just stop because it got hard.

**Mr Pryce**: No. Again, it highlighted how sometimes process defeats good intent which has other benefits. So it is just about making sure that we have good lines of communication and we understand the ultimate intent.

**THE CHAIR**: Thank you. I am mindful of time. I am hoping that our friends from the Human Rights Commission can be patient. We might bring ACT Policing forward first and move to the questions we have for Policing.

**Ms Playford**: I thank you very much for giving us the opportunity to answer those questions.

**THE CHAIR**: I appreciate the evidence of your officers; thank you.

ACT Policing

Johnson, Assistant Commissioner Mr Ray, APM, Chief Police Officer for the ACT

Walters, Commander Mark, Deputy Chief Police Officer, Crime

**THE CHAIR**: We appreciate the patience of officers from ACT Policing. Whilst we have a set agenda, questions can take us in different directions. Assistant Commissioner Johnson and Commander Walters, given that you are discrete from the director-general’s comments earlier, do you want to make some quick opening remarks? We will then move to questions that will be directed to you from the elected body member with portfolio responsibility, who, as you know, is Mr Monaghan.

**Asst Commissioner Johnson**: Thank you very much, chair. Noting the need for timeliness in the forum, I can hold off on my opening statement and go straight to questions. That might be a more efficient way to do it. Then we can go from there.

**THE CHAIR**: We will see how we go. If we do not get to it, I am more than happy for you to table it. Similarly to a question on notice, it will be incorporated in the record.

**Asst Commissioner Johnson**: That might be the way we approach it, thanks, chair.

**MR MONAGHAN**: I think we had a discussion on—what day was it?

**Asst Commissioner Johnson**: Tuesday.

**MR MONAGHAN**: Tuesday, yes. We caught up and had a good discussion. We elaborated on Justine Saunders moving on and you coming in as her replacement. We talked about Justine’s communication and her goodwill. We talked about how that process is going to happen with you and you being in that leading role. I will go to question 1. Since the 2018 elected body hearing, what has been the arrest rate for Aboriginal and Torres Strait Islanders in the ACT?

**Asst Commissioner Johnson**: What I can give you are some figures on the number of charges, but that does not fully answer your question. What I propose to do is answer the question on charges and then we will take on notice the question on arrest rates, because you have asked specifically about time frame as well. I will give you the figure in terms of the 2016-17 financial year versus the 2017-18 financial year. On that basis, based on charges, we had an increase of 4.6 per cent in charges. That does not reflect individual people. We will take that on notice and get it for the period of the elected body hearing to now.

**THE CHAIR**: It would be good to understand whether it is more people, more charges or a bit of both.

**Asst Commissioner Johnson**: Indeed, that was our question when we were thinking about this outside. I hoped we might have had those stats but we have not yet had them through. If they come through, I can bring them up. But if they do not we will take that on notice.

**THE CHAIR**: Thank you.

**MR MONAGHAN**: I will go to the next question. Are family members contacted when juveniles are arrested?

**Asst Commissioner Johnson**: The answer is yes, in all cases for Aboriginal and Torres Strait Islander peoples and for the general population. That is a legal requirement. In the absence of being able to contact family members, it would be CYPS that we would contact as an alternative.

**THE CHAIR**: And they have on-call arrangements for that?

**Asst Commissioner Johnson**: Yes.

**MR MONAGHAN**: If there is no way of contacting family members, do you divert to other contacts?

**Asst Commissioner Johnson**: Yes. For the general population, the first port of call would be child and youth protection services. But it would be dependent on the circumstances. Often they might well know who the family is and we will go to lengths to contact them. Certainly, they will not be interviewed in the absence of family, as a juvenile.

**MR MONAGHAN**: Is there any contact with the Aboriginal organisations—perhaps Winnunga or Gugan? I am pretty certain that there would be some sort of link or some sort of acknowledgement of these organisations as part of this.

**Asst Commissioner Johnson**: I understand the question you are asking. I am not sure I can properly answer it now. In fact, are you are happy for me to take that on notice? It is a fair question. I am not sure whether I can give you the answer categorically. I would expect in the normal circumstances, due to the privacy of the individuals and family arrangements, our first port of call would always be family. We would do as much as we possibly could to contact family and, in their absence, government services. The question about using Aboriginal and Torres Strait Islander organisations such as Gugan or others is one I will have to take on notice.

**MR MONAGHAN**: Yes, I just put it out there. It is probably an MOU to be organised between the organisations and the AFP to have that in place.

**Asst Commissioner Johnson**: Yes, I understand that. I guess, as I said, that the only sensitivities might be what the family would expect, because we are really cautious about taking family issues outside the family. I am not saying it is certainly not a valid option. It is one we will look at.

**MR MONAGHAN**: I will go on to the next question. How many times have interview friends been called in the last 12 months?

**Asst Commissioner Johnson**: That one I will have to take on notice, to get you an exact number of interview friends. Practically, it should be pretty much every time an Aboriginal and Torres Strait Islander person comes in contact with police for interview, but we will have to actually get those figures drawn out of the system because we have not done so in preparation for the hearings.

**THE CHAIR**: To clarify that response, is that mandatory or is it an opt-in for people to have the interview friend? It was just said that it was every time, but is it every time someone wants that support?

**Asst Commissioner Johnson**: Under the commonwealth legislation that provides for interview friends and for legal support, there were some amendments made before Christmas to that requirement. But, in any case, an Aboriginal and Torres Strait Islander person who comes into contact with police before being interviewed gets to choose an interview friend. If they do not choose an interview friend, you can volunteer your interview friend.

**THE CHAIR**: Can we get the information so that we know whether it is an opt-in or whether someone has to come?

**Asst Commissioner Johnson**: Theoretically, the law would say that you could say, “No, I do not want an interview friend.” You could say that; so you can opt out of that model. If you do not opt out of it, you get an interview friend that you offered yourself. The alternative is through an Aboriginal Legal Service contact to provide a friend.

**THE CHAIR**: But you can also choose to have someone who you have a relationship with to come and be that person.

**Asst Commissioner Johnson**: You could nominate that person, yes.

**MR MONAGHAN**: There is another thing about the whole issue of contact people. Is ALS still contacted when an Indigenous person is arrested? I know that in the past it was happening, but I am not certain whether it is still occurring.

**Asst Commissioner Johnson**: Yes, under the legislation, that is the pathway. I would say with some confidence that all our officers would follow the rules of part 1(c).

**MR MONAGHAN**: Can you provide data per station on the number of arrests and the number of calls to interview friends?

**Asst Commissioner Johnson**: I think they probably join up. We can get the figures and give you a bit more context: by station, by whole of ACT, interview friends. Some of that will be a bit manual but we will work out a way to provide that material.

**THE CHAIR**: Thank you.

**MR MONAGHAN**: Can you explain how the domestic violence responses have been adjusted to be culturally responsive, and how do you ensure that this is occurring?

**Asst Commissioner Johnson**: ACT Policing commenced the family violence coordination team in recent times in October 2015. That team has been working as a central unit to help operational police deal with family violence matters in a consistent way. Our Aboriginal liaison officers work closely with the family violence coordination team. On occasions where Aboriginal and Torres Strait Islander people are involved in a family violence situation the Aboriginal liaison officer is involved and builds the bridge between the family and police.

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

**Cmdr Walters**: A growing number of conferences around Australia are focusing on domestic and family violence within the Indigenous communities. For the past few years we have had representatives from our family violence coordination unit and our Aboriginal liaison officers attending those conferences. We are bringing back that shared experience from policing jurisdictions in dealing with domestic and family violence in Indigenous communities. That is another way that those issues are being looked at across ACT Policing from both a family violence perspective and around the cultural sensitivities Indigenous communities experience around those particular issues.

**THE CHAIR**: Building on all that knowledge is a commitment over the next 18 months through the agreement. Particularly in the directorate where you sit is the responsibility for a range of programs for our men and boys that help with addressing more positive relationships and the ability to deal with issues to avoid getting to the point of family violence. It might be worth at some point having ACT Policing, the family violence unit in particular, across what work is happening there.

**Asst Commissioner Johnson**: Please do not think that what I have said implies that we have got it right; we are working very hard on improving. This is another one of those areas where we need to ensure that the responses are culturally sensitive and that we have best practice. The prevention space is where we can do some more work.

**MS McGRADY**: Does the ACT have any identified police officers, and how many ALOs do you have?

**Asst Commissioner Johnson**: We have 2.2 ALOs—we have a part-time person—but we are working on expanding that. In terms of ACT Policing and its Indigenous representation, in September last year we hit 2.6 per cent of our workforce. Our workforce is not huge so that is not big in terms of numbers, but it is an improvement. In 2015 we were about 1.5 per cent, so we are heading the right way. It is part of a broader AFP push to increase our percentage. Our target was 2.5 per cent by the end of last year, so ACT Policing has just exceeded that. It works out as 12 police officers and 10 professional staff identifying within ACT Policing.

**THE CHAIR**: Thank you, Assistant Commissioner Johnson and Commander Walters, for making yourselves available and for your patience today. We will take on notice any opening remarks you may have had unless there is something particular you want to share with us?

**Asst Commissioner Johnson**: One thing: I appreciate Fred’s comments at the beginning, and please note that my commitment to building solid relations with our Aboriginal and Torres Strait Islander communities in the ACT is as high as Justine’s was, and we will continue to work at that.

**THE CHAIR**: We understand that the community forum in Gungahlin was very well received and attended, so well done.

ACT Human Rights Commission

Watchirs, Dr Helen, OAM, President and Human Rights Commissioner

Griffiths-Cook, Ms Jodie, Public Advocate and Children and Young People Commissioner

**THE CHAIR**: We now welcome Dr Helen Watchirs and others from the Human Rights Commission. I apologise that we are running almost an hour late for you and thank you for your patience. We are keen to hear from you and to have the opportunity to ask some questions. Are there some opening remarks you want to make?

**Dr Watchirs**: I acknowledge the traditional owners of the land on which we are meeting today. As you know, the commission has partnered with the elected body for the anniversaries of the UN Declaration on the Rights of Indigenous Peoples. We screened *After the Apology* on 13 September 2018 where you spoke, Katrina, along with Barbara Causon from Our Booris, Our Way as well as Rod Little, co-chair of national congress, and Jodie. That shows the seriousness with which we regard the over-representation of children in care and protection.

Karen Flick started with us last year working as a cultural adviser and working on the respecting culture project to pick up Nat Brown’s work on making section 27(2) of the Human Rights Act come to life in the community by providing materials and training, as well as telling public authorities of their obligations.

We have two Aboriginal liaison officers—one currently and one to start next month—in the victims support team. Ms Yates can talk more about that, but they are working at the yarning circle at the AMC. From having 20 clients the previous year the latest figure is 63 clients.

For the discrimination commissioner our numbers have risen for general complaints from nine in 2016-17 to 40 in 2017-18 in terms of Aboriginal clients in all complaints areas: discrimination, health, disability, and community services. In the discrimination area alone we have gone from two to 24 complaints in that same period, so having Aboriginal staff has made a huge difference to our impact in the community.

Our reconciliation action plan has expired so we are now working on a cultural safety plan. Karen Flick has been doing that work. We have an internal committee that has met twice from all four areas of the commission. All four commissioners attended the cultural safety masterclass by Associate Professor Richard Frankland. Of course, our staff and commissioners regularly update our cultural awareness through CIT Yurauna, and ACTCOSS has been running courses. A number of community events are listed in our annual report, but I will not go into them.

**Ms Griffiths-Cook**: I will add to the point about the development of our cultural safety plan. In addition to an internal group having been developed, Karen is also in the process of developing and external group of Aboriginal and Torres Strait Islander people who have had contact with the commission to gain their advice on their interactions with us, the things that have worked well and the things that have not. That is with a view to making that the most solid plan we can.

**Dr Watchirs**: The four nominees are Pat Anderson, Ashley Johnson, Tamara Murray, and Nekol Stuart and we are due to meet in early April.

**THE CHAIR**: One of the key parts of the agreement going forward is addressing systemic racism, and there are some key commitments for the next 18 months. We have asked everyone about how they deal with racism as it presents in their agencies and how they ensure that it is dealt with in the appropriate place. So be mindful that we have asked that of everyone, and it might be something for you guys to particularly focus on when the report comes out. I will pass over to Member Monaghan.

**MR MONAGHAN**: Is the Human Rights Commission required to undertake regular audits of the AMC to ensure that they are compliant?

**Dr Watchirs**: Under section 41 of the Human Rights Act I am not required to conduct audits, but I do have that power. We have done four audits. We did Quamby in 2005, the old Belconnen remand centre in 2007, Bimberi in 2011 and the AMC—only the women’s area—in 2014. There has been a commission-initiated consideration of Bimberi. That report has just come back from the printers and it will be released quickly.

In 2007 we recommended that the ACT adopt an independent inspector of corrections. That recommendation was not accepted until we made a submission to the Moss inquiry that we thought that that was an important protection for ongoing work in the AMC; that there was continual improvement and that we were not going backwards.

Our work at the AMC continues to be that of accepting complaints, not just discrimination but health, disability and community services, victims of crime, who can also be detainees, and their families. We have an Aboriginal liaison officer attending the yarning circles regularly. The Public Advocate attends regularly for vulnerable detainees, both Indigenous and non-Indigenous.

We chair an oversight working group; we have done that for a number of years. Now that the inspector is there, they do the secretariat side of that. It brings together the Ombudsman, official visitors and commission staff. We caucus before we meet with corrections in their regular two-month meeting. We focus on what we want answers to, about how AMC is running. We have done specific work from Moss, like the opioid replacement treatment program that Karen Toohey did. There has been a look at males in the AMC in 2015 by the Auditor-General.

We were never actually properly resourced to do audits. Both Bimberi and Quamby were paid for by Community Services. We paid for the AMC one ourselves, and BRC; and the latest Bimberi we funded internally. With only two human rights lawyers, I am not sure that we will be doing another audit. But we are strongly inputting to the healthy prisons review that has incorporated human rights standards by the Inspector of Corrections. We will still perform an oversight role, but the community has said that other facilities like mental health or disability may be an area of focus that we could look at. We have not made a decision yet.

In relation to your question about the number of Aboriginal detainees on remand, from the inspector’s report on 11 June 2018 there were 97 male remandees, with 35 being Aboriginal; and 16 female, with 11 being Aboriginal. Forty per cent of male and 60 per cent of females are Aboriginals on remand. They are very high figures compared to national figures. I do share those concerns of the inspector.

**MR MONAGHAN**: With the crisis around overcrowding of detainees within AMC, is this a human rights violation?

**Dr Watchirs**: In terms of calling something a human rights violation, it is really the Supreme Court that has the power to make a determination as to whether there has been a breach of public authority obligations. In audits I have made findings, and it is completely open to the inspector to make similar findings that they think overcrowding has reached a certain point.

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

The findings in relation to women were of particular concern. Nearly two years ago, women were moved from the cottage area to the high security area of the prison. They are new beds; it was a new build. I think that the conditions are certainly not as humane as they were in the past. That is not an improvement, but we have been told that it is temporary. We are also aware of the reintegration facility of 80 beds that is planned. We would like to monitor the situation, and that is why we regularly go to the AMC and why we have oversight agency meetings and deliver front-line services to detainees there.

The other human rights engaged are right to life, liberty, security and privacy. Things like double-up cells are now not the norm. Family visits have been reduced since we did the audit back in 2014. I cannot say with any success that there has been an improvement.

**MS HUGHES**: Would you consider it to be a breach of human rights if a female prisoner had to give birth and then could not keep the child in prison with her?

**Dr Watchirs**: We did look at the issue of mothers and children in the 2014 review.

**MS HUGHES**: That was due to overcrowding—not being able to keep the child.

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

New South Wales has an excellent program at Jacaranda Cottages in Emu Plains. We went to see it when we were doing the audit, and we recommended that there should be an ability for a female to go into that program. Certainly, there have been hurdles in every case where a person has asked for full-time care. Jodie may wish to speak more on that.

**THE CHAIR**: In following that up—and this potentially goes to Ms Griffiths‑Cook—I will perhaps look at it slightly differently. Have there been any issues raised where members of our community have required assistance in being able to have children of people on remand or detained having access to each other?

**Ms Griffiths-Cook**: It has not been brought to my attention specifically, no. It is certainly something where we would be looking at what the circumstances are surrounding that. We get a variety of different approaches from community members. Most of those relate to people who are within the community and not detained at AMC. It is an interesting question which I think begs another question: do we have a sufficient profile there that would see people contacting us?

**THE CHAIR**: That is the next question.

**Ms Griffiths-Cook**: Yes. That is something that we have had in the past. I am not sure if we have presently, due to a changeover of staff and the relationship shift in having a new person there.

**Dr Watchirs**: In the 2014 audit there was a finding that there were people who had not regular visits to their children and there were months where they did not have any visits. That was our recommendation for services: for mothers and babies and for any older children to have regular visits.

**THE CHAIR**: It is not just about the rights of the detainee; it is about the children being able to have that relationship. That is particularly what I was interested in.

**Dr Watchirs**: Absolutely; and cultural rights under section 27(2), if you break that link.

**THE CHAIR**: That is right.

**MR MONAGHAN**: In 2018 the *Canberra Times* reported the minister for community services saying that racism may be the key factor driving up the territory’s rising rate of child protection reports about Indigenous children. Has this matter been referred to the Human Rights Commission for investigation; if not, why not?

**Ms Griffiths-Cook**: No, it has not been referred to us. In light of the Our Booris, Our Way review being underway, many of the issues in relation to the over-representation are being referred to that review. Certainly, I have made myself open, and continue to do so, to the review process to provide input to that, both about issues we are seeing at an individual level that have systemic undertones, and to respond to some of the thinking that is happening in that space about particular recommendations or thoughts to make recommendations. I have spoken with Ms Causon on a number of occasions outside meetings, as well as having presented to the committee on one occasion.

It is an interesting question. I am not sure whether this was in the news processes or whether I am thinking of it myself. There are things about the number of reports that are made. I was looking up the figures on that. I think that, for Aboriginal and Torres Strait Islander children and young people, it is four times greater in reporting. It is seven times greater in terms of cases that are investigated and substantiated. Following on from that, there are 11 times greater numbers in out of home care.

It begs the question as to not just the systems and whether there are some underlying biases there, but whether those biases exist in community in that first instance. That perhaps needs to be explored and understood. I am certainly hoping that some of the work of the review will highlight where those issues lie and how we might be able to do something with them.

**Dr Watchirs**: ACT Police are not subject to the Discrimination Act. In every other jurisdiction there is access to a local remedy, but because we get services through the commonwealth, there is an issue. They are subject to the Human Rights Act. Police are public authorities. The problem is that we do not have a complaints jurisdiction under the Human Rights Act. That is something that we have been asking for a number of years, that was recommended by the Law Reform Advisory Council in its restorative cities project. The new Queensland Human Rights Act 2019 has a complaints function. NGOs have been using the Human Rights Act outside the courts in their service delivery, as a tool of engagement and as a tool to persuade directorates that they have public authority obligations.

I am also aware that the Law Reform Advisory Council made a recommendation for merits review of care and protection matters. Also, Glanville recommended that CSD and JACS issue a report, and I understand that that is yet to be received.

**THE CHAIR**: Dr Watchirs, thanks for bringing that to our attention. That is something we will certainly discuss in the wrap-up of our hearings and in consideration of what recommendations we might also make back to the government. In that same vein, I want to say something to Ms Griffiths-Cook. Coming back to Our Booris, Our Way, that committee structure, at least for now, is due to be finished and have a final report mid to late this year. Whilst the elected body will have an interest in it, given that its focus is on children and young people, would you see a role for your position in monitoring how progress is made against those recommendations?

**Ms Griffiths-Cook**: Certainly, I would be taking that on, regardless of whether that was a role that was formalised through the recommendation process or through the government’s response to that. I would certainly be looking to see that, whatever recommendations are made and whatever the government’s response to those recommendations is, that response was followed through. Given that I know one of the pending recommendations is the idea of establishing an Aboriginal children’s commissioner, it would also depend on how that was responded to. If that was established I would certainly see myself working alongside that role to undertake that monitoring process.

**THE CHAIR**: The reason for that question is that we have seen reports and reviews such as *We don’t shoot our wounded* sit for a decade. We need to make sure that all of the levers and people who have responsibility to oversee the improvement of these things are lined up, so that these recommendations are dealt with in a timely manner as we move forward.

**Ms Griffiths-Cook**: I want to make the commitment that, given my responsibilities currently to provide oversight and to monitor the care and protection system, I would be happy to make an annual call upon government to respond to and provide an update on their progress with those recommendations.

**THE CHAIR**: I appreciate that.

**MR MONAGHAN**: I attended a family conference with a family member just recently. They had CPS staff in the room. From what I was hearing, the way they dealt with this was just so disheartening. I felt disgusted when I walked out of that room. It was mainly around the policy and procedures around CPS. There was no sympathy or any attempt to talk to the family and elaborate a bit more on how they were feeling and how their young children were getting on in foster care. It was not a very good scene. There have to be some changes to how this process happens.

**Ms Griffiths-Cook**: Even while the review remains underway, certainly, if matters like that are of concern, they can always be referred to my office, and we would be happy to take that up and see what we can do to facilitate improved outcomes.

**Dr Watchirs**: We actually wrote to CSD two years ago about how they could consider looking at Gladue-type reports in care and protection, so that section 27(2) is complied with, to have a deep understanding of the cultural circumstances of the child before taking statutory action.

**THE CHAIR**: I really appreciate your patience and the evidence you have provided today, as well as the overview of some other information that we were not privy to, recommendations-wise, particularly around discrimination and the rules with ACT Policing. We appreciate that. We look forward to working with you for the next year.

## Hearing suspended from 1.57 to 2.24 pm.

Appearances:

Transport Canberra and City Services Directorate

Thomas, Ms Emma, Director-General

Hughes, Ms Cherie, Chief Operating Officer

McHugh, Mr Ben, Executive Group Manager, City Operations, City Services

Crowe, Ms Petra, Executive Branch Manager, People and Capability

Flanery, Ms Fleur, Executive Branch Manager, Public Transport Operations

Little, Ms Vanessa, Executive Branch Manager, Libraries ACT

**THE CHAIR**: My thanks to the directorate, particularly for your patience this afternoon. Our timing is out of whack a little. I will run through our process. Then we can give you an opportunity, Ms Thomas, to make an opening statement before we start with the formal questions.

As is the practice not just of this current elected body but also of previous elected bodies, as you would know we all have portfolio responsibilities. We collectively work through the questions that we would like to ask. We ask for Aboriginal and Torres Strait Islander people from across the community to provide any questions that they might have and we do try to give them priority.

Unlike previous years, I think you have a copy of some of the questions. If the questions do not seem to align so neatly with your governance structures, bear in mind that we are giving priority to things that relate directly to the new agreement and also to our community input.

I have a couple of other things I want to raise. I acknowledge the directorate’s efforts in developing the newest agreement but particularly the action plans and finding places across areas that might not have been previously seen as areas where the directorate might put its hand up. I use health as an example. Transport is critical to access to health. The team was very responsive to changing how we approach that process.

The work that has been done at Boomanulla Oval, leaving to one side the refurbishments, governance and organisation things and how they are moving forward, and the respect that was given to the history and cultural meaning of many things at the site have been highly valued by us. We would like to you pass that on to your staff.

**Ms Thomas**: Thank you.

**THE CHAIR**: I understand from an email not so long ago, Ms Thomas, that you will be leaving the ACT government very shortly. So we collectively want to thank you for your efforts in working with us and previous elected bodies to improve outcomes for people who work with your directorate, people who have opportunities to do business with your directorate and, more importantly, people from our community who access the services of your directorate.

Having said all of those things, I will give you an opportunity now to make an opening statement. Then I will pass over to Ms McGrady who is the elected body member with responsibilities in this area.

**Ms Thomas**: Thank you very much, chair, and thank you for your kind remarks about the directorate. On behalf of Transport Canberra and City Services, we wish to acknowledge the traditional owner of these lands and waters that we live and thrive on today. We pay our respect to the Ngunnawal people and the surrounding nations and extend respect to all elders past, present and emerging, for they hold the memories, the traditions, the culture and hopes of all Aboriginal and Torres Strait Islander people.

I would like to acknowledge the many Aboriginals and Torres Strait Islanders who work in and contribute also to the directorate of TCCS. Chair, I do have an opening statement but I suggest, in the interests of time, that I would rather focus on the questions that you want to ask today. I am happy to submit my opening statement to the elected body for your reference—

**THE CHAIR**: That would be very helpful.

**Ms Thomas**: Maybe we could focus on the questions if you are happy with that.

**THE CHAIR**: The record will reflect that. We can incorporate that into the formal report as appropriate.

**Ms Thomas**: Awesome.

**THE CHAIR**: Thank you.

**MS McGRADY**: Question 1: we have identified three priorities that we would like you to progress within the next 100 days. Can you tell us what activities you will undertake within that period? The three priorities are: (a) bus routes design and determining community to access transport options; (b) Indigenous procurement policy, graffiti removal and lawn mowing; and (c) securing maintenance funding for Boomanulla.

**Ms Thomas**: Thank you Ms McGrady. We have obviously a very diverse portfolio doing many things. Certainly in the next 100 days and in the next 365 days, we will be focusing on those options and many others. In respect of our bus routes, I will ask Ms Flanery to speak a little more to the detail of what we have planned in terms of further consultation. However, I will acknowledge that I have recently received a letter from one of the schools in Narrabundah asking me about this question and requesting a little more consultation around bus routes particularly.

We are very keen to meet with them and understand that more. She was pointing out that there are many younger students who are coming to school by bus. That is one of the areas that I will commit to. We need to go and have a further conversation with the school at Narrabundah. I will hand over to Ms Flanery to talk more.

**Ms Flanery**: Thank you for the opportunity to discuss bus routes and what we can do in the 100 days. I am not new to Transport Canberra and City Services but relatively new to the transport side. I am aware that we have tried to consult with Winnunga to look at specific issues around mobility, transport and schools. My undertaking as the new executive branch manager is to go out to meet with the community to understand their needs.

I know that the new network is designed on a sort of hub and spoke model. We also have the flexible transport options and the Aboriginal and Torres Strait Islander bus. So it is my undertaking in the next 100 days to go and understand the needs, perhaps a little more than we do, of both the Aboriginal community and schools in that area.

**THE CHAIR**: Ms Flanery, I re-prosecute one thing, given that you are new to this particular role. One of the things for us is to understand, across all the things that the directorate needs to consider—costs, resourcing and those sorts of things—is not just how busy a particular bus route is but the access to services that the directorate provides for our community in particular. Is there a formula or a process that is designed to take that into account?

**Ms Thomas**: I could perhaps start with an answer to that. We are looking at not just numbers on routes. Obviously, our task is to carry as many people as possible in Canberra. We are very keen to do that. But where there are routes that are absolutely critical to the social fabric of Canberra, we are looking at an on-demand booking system that can help us to help people connect. There are people in areas where we really need to get to but we might not have lots of people in those areas. Think about Uber on a more mass public transport sort of—

**THE CHAIR**: On a more shared scale.

**Ms Thomas**: A lot more shared scale. The booking system that we will start to look at—that is a task for us for this year—looks at an ability for people to say, “I need to go to AMC.” I will use that as an example. I need to go here and I need to go there at this time. We can start to group some of those requirements, pick up people with the buses and run a route that at least gives people an opportunity still to get to some of these areas that are not frequented by lots of patronage but still are absolutely critical for people to get to. Bimberi is another example of that.

We are working to try to understand where those nodes are that we want to put on that flexible transport system. This will be fairly new technology. We have not brought anything in like this before but we want to try this to understand how we can use those routes.

**THE CHAIR**: That would seem to be able to hear what people’s needs are rather than just rely on what past usage has been. Is that the intent?

**Ms Flanery**: That is right. It is forward-looking. It is based on needs rather than on an assessment of what it is. As you know, when you are looking back through data, you are only reflecting on what services people are using at that time, whereas the on‑demand transport system is looking at what their needs are going to be—

**THE CHAIR**: Potential?

**Ms Flanery**: and when they need it. It is something in the pipeline. I am also aware of the need to work out how we train people in how to use that service so that it can be optimised.

**THE CHAIR**: It would be of interest to us to know how to communicate that across our community to make sure that they engage with that as much as they want to.

**Ms Flanery**: That is certainly part of the whole process. It is not just developing a piece of technology and then saying, “Off you go and use it.” There are lots of things that we are looking at about how we try to engage with a whole range of community sectors.

**Ms Thomas**: Moving on to the Indigenous procurement policy, I will let Ben McHugh answer those questions.

**Mr McHugh**: In answer to part b of question 1, a whole-of-government Indigenous procurement policy has been developed over recent months in which TCCS has been heavily involved. It will be launched in the coming weeks and applied to our future procurement, particularly around items like this from 1 July into the next financial year. So this will be not only in our operations and management area but also across other areas and service provisions where there are good opportunities to work with local and Indigenous businesses. We would be identifying those and nominating those in our procurement processes in accordance with the policy.

**MS McGRADY**: Thank you.

**Ms Thomas**: Securing the maintenance funding for Boomanulla was the third part of that question. We have two years funding as part of our initial upgrade and restoration of Boomanulla. Thank you for raising that at the beginning of your statement, chair. It is an activity from which we have learned so much in working with the community. We are very committed to bringing Boomanulla back to self-determination, to a self‑managed environment.

The team are really happy to continue to work with you. We probably need more interaction and input from the community to help us understand what you need and when that handover makes sense. We do not want to just chuck it over the fence, literally. We want to be sure that we are supporting Boomanulla forever to make sure that it is sustainable for the future. The team are looking at ways that we can engage with Aboriginal and Torres Strait Islander people as part of our maintenance now with a view to learning and understanding so that we can start that transition process.

**Mr McHugh**: Yes, we are very proud of the outcome at Boomanulla for a whole range of reasons. One is because we have learnt so much about how to set up partnerships with the community. I think that if we sat at this table last year and you asked us a similar type of question, we would not have been able to answer it the way we can today. In terms of what the directorate will commit to, we are experts in managing sports fields and playing surfaces. If we can help share that knowledge with potential future managers of the site, that is the path we would really like to start to go down and develop that, whilst continuing to provide that support.

I guess the other immediate outcome, the elected body moving into the facility and becoming our first permanent tenants, is also very exciting for us. It demonstrates to the community that this is your facility and I think that that is a really good message.

**THE CHAIR**: Perhaps not a permanent tenant, given that once there is a governing organisation that is to be determined, but a tenant for now, absolutely.

**Mr McHugh**: Correct. Thank you for clarifying.

**MR MONAGHAN**: Is there a lease discussion around this oval? Is there some form of lease?

**Mr McHugh**: At the moment there is no lease. As the current land managers of the facility, TCCS have ongoing responsibility until something is determined.

**THE CHAIR**: Advice from the Chief Minister’s directorate yesterday and from Community Services was around a 99-year lease to be negotiated once we have a governance mechanism to negotiate that.

**MS McGRADY**: How many Aboriginal and Torres Strait Islander people have been part of selection panels for the directorate in the past 12 months?

**Ms Thomas**: We have not got a good measurement system or even any recording system of who is on panels today, other than the panel documentation that gets filled out at the time. We need to improve our data and systems to even collect information about panels in general.

**Ms Crowe**: As Emma has said, this is an opportunity for us to improve our understanding of who sits on panels across our whole organisation and all the panels. Late last year we centralised our recruitment processes. In people and capability we provide a strategic HR service to the organisation but we have recognised that we need to provide further assistance, support and development. The centralising of some of our recruitment practices has allowed us to understand what roles are being advertised, particularly for permanency, where we have been able to influence whether they are suitable for identifying the positions, and also providing advice and support around the recruitment approach that we might want to take with those particular ones.

We cannot provide you with a specific number over the past 12 months. However, where there is a recruitment activity that is being undertaken and the panel find difficulties in finding an identified member, they contact our inclusion officer for advice and assistance. Our inclusion officer will reach internally in our organisation. If she is unable to identify someone through that, she will reach across government and talk to our colleagues for support in that space.

In terms of a forward plan, we want to do a lot of training and investment in developing our recruitment panels, specifically around the areas of unconscious bias and bias. That is on our radar in the next 12 months.

**THE CHAIR**: Ms Crowe, the intent of this question goes to exactly your last comment: to have panels that better understand the value and experience that people from our community might bring that panels perhaps in the past have not had knowledge of; a recognition that potentially some of the reason there are not as many of our community in roles is not because of lack of experience but because panels did not understand what they were bringing to the table.

**MS McGRADY**: The second question might not really—

**THE CHAIR**: It would be part of the same sort of information.

**Ms Crowe**: I am happy to provide some additional information on question 3, if you would like more.

**MS McGRADY**: Thank you.

**THE CHAIR**: I will get you to read it out.

**MS McGRADY**: How many selection panels have had at least one member who has completed cultural awareness training?

**Ms Crowe**: While we do not know the specific number, I can say that cultural awareness training is a core training requirement for our directorate. It is a mandatory requirement for all of our senior officers from the SOG C level and up, or equivalent level to SOG C, because we have different classifications. We have around 180 to 200 people in that SOG C senior level upwards. In the year to date we have trained over 40 people in cultural awareness and last year we trained 60. So if we are looking at around the 100 in the last year and a bit and that sort of middle management and senior management cohort is up to around 200, I suspect we would have good representation of people who have undertaken the training.

**MS McGRADY**: How many incidents of racism are generally reported within the directorate each year? How are they reported?

**Ms Thomas**: I have not had any reports of racism made to me as the director-general. Petra can answer for our RED officer—respect, equity and diversity officer—area, which is where I would expect some of those complaints to go.

**Ms Crowe**: We have had none specifically around racism. We have a very strong method for reporting that is in place. We have RED officers across our organisation and we regularly call for additional RED officers and provide training. We have a RED executive sponsor who also provides messaging on a regular and consistent basis. People are able to report to their managers, supervisors and executive. We also have opportunities for people to raise issues through de-identified surveys. We ran a pulse survey last year and a major employee opinion survey the year before. That gives us a bit of an idea of any themes, issues or pockets of concern that we might want to explore. And of course they can contact the folk in HR for advice and assistance, but none specifically around racism.

**THE CHAIR**: Ms Crowe, am I making the right assumption that that is about reporting incidents of racism that have been potentially the responsibility of an individual in the organisation? Does it also cover, for example, if someone were to deface a welcome to country sign? Where you have had to deal with a racist issue that was not potentially generated by you, if there are incidents on public transport or people using graffiti—graffiti is inappropriate anyway—is there a mechanism that also captures that? Part of what we have signed up to in the new agreement is how to address this on a community scale. There are some functions that sit within the directorate that we might not have seen through this lens but where there is potential to help with where we are trying to take things.

**Ms Thomas**: I have not seen any data reflecting on that. We could probably categorise that and keep it as a separate record. Certainly where people are defacing things with anything that is inflammatory of that nature, we have to remove that graffiti in a very specific time. I think we have 24 hours to remove anything of that nature. Without a doubt we have had incidents where we have had to do that. I cannot recall any specific incidents, but the team remove them so quickly that a lot of the time they do not necessarily get reported up. We are very focused on data in the directorate too, so I think I will commit to our keeping a record of this so that we can identify whether there is a problem growing here particularly or in a different area or anything else. It would be really helpful for us to do that.

**Mr McHugh**: We do obviously keep a record of incidents that we respond to in terms of things being defaced, particularly where offensive language may have been used. That is defined in our protocols for how quickly we have to respond to particular incidents. We would have a record of that. I would not—

**THE CHAIR**: Within that document or guidelines, who decides what it is over the line?

**Mr McHugh**: We take, as you can imagine, quite a conservative approach to what could be seen as offensive. There are matters such as racism and anti-Semitic comments that are included in the protocols, and I am aware of—

**THE CHAIR**: But if in doubt, rub it out?

**Mr McHugh**: Absolutely. That is definitely the case. I am just going to take that quote down.

**Ms Thomas**: Some are not words; some are diagrams.

**Mr McHugh**: We could do some data analysis and identify how many of those—I am not confident that we actually record exactly what the message might be—

**THE CHAIR**: And it does not need to be.

**Mr McHugh**:but we would have a record of stuff like that.

**THE CHAIR**: It is being able to show, across the directorate and perhaps to some other agencies as well—there is certainly unconscious bias and systemic racism in how processes occur, but even if it is in the simplest ways of being able to record this and make very public statements, even just within your staff, “We count this. We value getting on top of this,” it is a way to influence other behaviour.

**MS McGRADY**: I am going to jump a few questions, just to stay in line with the theme of what we are speaking about now, to question 13. A number of community members have approached the elected body and reported having experienced incidents of racism and bullying within school facilities and also travelling to and from school on public transport. Does the directorate have policies in place to, firstly, report these sorts of incidents and, secondly, deal with the elimination of racism?

**Ms Thomas**: We definitely have policies in place for reporting of those incidents to happen. We find in talking with the team that these incidents, particularly in schools and bullying on buses, are not reported to us very regularly. We would encourage people to do that though. We have mechanisms. Although we cannot hear what has been going on on a bus, we can certainly see what has been happening on a bus. So if we are made aware of an incident, we can go back and look at what was happening and help understand that a bit more. We would encourage anyone who is experiencing difficulty on any of our public transport to help us and talk to us about those incidents.

**Ms Flanery**: Firstly, I am disappointed to hear that. I acknowledge that it is something we train all our bus drivers in, in terms of cultural awareness and being able to respond to situations like that so that if they see racism or people being abused or vilified in any way they can report it immediately so we can get transport officers out there. We have a dedicated school liaison officer who can go back to the school if something is reported. That could be by a member of the public, a member involved, a bus driver or a transport officer. As the director-general has noted, I personally have not seen a high incidence of it. But, drawing on the remarks you made earlier, we will make sure that our drivers, as they are already, are aware that if they see anything like that it is not acceptable, it is not tolerated and it is certainly not in line with our values.

**MS McGRADY**: As a member of the community, how will they know how to contact that school liaison officer?

**Ms Flanery**: You can come in to the ACT government through the Access Canberra portal. There is also the Transport Canberra and City Services portal; you can send in an email or make a telephone call.

**MS McGRADY**: What has the directorate done to demonstrate, recognise and celebrate Aboriginal and Torres Strait Islander histories, cultures and customs?

**Ms Thomas**: I will start the answer to the question and I might invite Ms Little, the head of ACT libraries, to contribute to this answer. The directorate, through our initial reconciliation action plan, had a number of initiatives. Our initial reconciliation action plan was really about educating and making us more aware of culture and surroundings. It certainly formed our first steps. We had 82 actions. Out of that, there were a significant number of recognition activities. One of those was the work that we did with the Ngunnawal elders about the flower bed on Vernon Circle. Galambany put in plants in that area. Unfortunately, we battled with the rabbits, who ate the flowers.

**THE CHAIR**: There are a lot of rabbits in that area.

**Ms Thomas**: There were a lot of rabbits; they ate all the flowers. It was very hard to see the words. I apologise; there was good intent.

**THE CHAIR**: You could have gifted the rabbits to the elders.

**Ms Flanery**: The skins.

**THE CHAIR**: Yes.

**Ms Thomas**: It is probably not my place to do that but I am more than happy for you to help us with the rabbits. They were so bold that they were almost eating them in front of us.

**THE CHAIR**: They are cheeky fellas.

**Ms Thomas**: Yes, they were. It was very sad for us because we were very excited about that. We have done the wrap of our bus. The beautiful work by Lynnice Keen has been very widely recognised around the city. We love it. That wrap is very important to us as a directorate. It is a big symbol of what we want to do to support the community. They are the bigger, more symbolic things.

In NAIDOC Week this year, we invited three women to talk to us as a directorate around some of the activities. Ben is pointing out to me the names of the women. I cannot remember the names but they were very energetic. Kristie Peters, Hayley Maguire and Wing Commander Cheryl Neal shared with us their stories, for the theme “Because of her, we can”. That was met with a lot of support from the directorate. People really appreciated coming along and hearing their stories. I really appreciated their generosity in sharing their stories with us. That was, for us, a bit of an activity to understand better the culture and different stories from the community.

**Mr McHugh**: Before Vanessa talks about the extensive libraries program that really responds to this question, as land and asset managers, we have a lot of infrastructure. That provides us with opportunities to do visual-type things that celebrate culture. We have had a number of programs where we have used local artists to demonstrate their talents on our infrastructure. The Reconciliation Day mural at the Watson shops is an amazing piece of work. The Waramanga sportsground pavilion upgrades and light columns are another great example.

The really important part is that they are not responses to action plans, or commitments in agreements. These things are now happening organically in our business, and our own people are now seeking out opportunities to work with the community and demonstrate that sort of stuff.

**Ms Little**: Thank you for the opportunity. I will tell you about all of the things that Libraries ACT have done and are planning. In the 2017-18 financial year, we ran 35 programs which were specifically based on Aboriginal and Torres Strait Islander issues or topics. We had 1,336 participants in those programs. That is not counting the Aboriginal and Torres Strait Islander people who came to other programs. That is just specifically programs relating to Aboriginal and Torres Strait Islander topics.

Since 2015 we have been involved in Tracks to Reconciliation. That is a really great event organised by child and family centres during Reconciliation Week. We participate with west Belconnen, Gungahlin and Tuggeranong. This year, the 2019 one will be widely celebrated at Kippax library, which is always a good venue for those things.

We celebrate International Mother Language Day. This year we featured the Ngunnawal and Wiradjuri languages. Richie Allan and Larry Brandy shared their language with the kids, told them stories and a didgeridoo was played. They explored various library books, stories and songs as well.

A personal favourite of mine this year was the National Multicultural Festival because I got to meet Mark Olive. I am a bit of a fan, as you can tell. He talked about bush food and bush tucker as part of the Multicultural Festival. We run, in collaboration with the Community Services Directorate, what we call the children’s sanctuary. That is when you have had enough of the kids at the Multicultural Festival and you want to bring them to the library or the museum and gallery and just chill. They got to chill with Mark this year.

During tree week, we hosted a program around scar trees, the stories around scar trees and the importance of the stories around scar trees. This year we will be holding it again because it was so successful last year. I am doing a plug here: 6 May from 2.30 to 3.30 at Tuggeranong library is when the next one will be held.

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

**THE CHAIR**: That might be a bit of a challenge for the library.

**Ms Little**: No, not at all.

**THE CHAIR**: Noise wise.

**Ms Little**:We love noise.

**Mr McHugh**: Libraries are changing.

**Ms Little**:Libraries have changed. We do not run around going “shush” anymore. It is amazing how you engage the community, when you are doing something that creates a bit of noise, colour and movement.

We are also, of course, it being the international year of mother languages, looking at language restoration programs and how we can record languages and stories. Indigenous Literacy Day is always a big one for us, and we usually do themed story times.

With collections, so that we do not forget about the bread and butter of libraries, we have an important profile and standing order program, which means that when we buy our materials from our suppliers, we make sure that they know that we automatically take materials that have been published by Aboriginal and Torres Strait Islander people. We have titles from the Aboriginal Studies Press, Magabala Books, IAD Press, Batchelor Press, those sorts of publishers that we know publish those sorts of materials.

It is very exciting that we now have some digital material on our BorrowBox system. You might know that you can download books, audio books and things from the library website now. Some of the books are included from the Aboriginal Studies Press, so that is great.

The Heritage Library is part of the link-up program that helps stolen generations people tracing their families, and we do that under an MOU with AIATSIS, so we make our resources available. We actually hold reports of local and regional archaeology investigations relating to Aboriginal and Torres Strait Islander sites. They are held within our Heritage Library. We have a special pathfinder on our website for Aboriginal and Torres Strait Islander people so that they can go in and find material across all of our collections, heritage and non-heritage, that relate to Aboriginal and Torres Strait Islander authors or materials.

With respect to a future vision for us, we are talking with the children’s services people in the Community Services Directorate about how we might reach out to kids who are in out of home care. It is very early days, but we are talking about services and how we can connect those kids up. We are also talking about the library becoming more of a community hub where other services might be able to come and outreach.

You might know that currently we have Legal Aid and justices of the peace. We run that program right through the library on a regular basis. If you need that service, you can come along. We are looking at the potential for partnering with other organisations who might want to be at the library, and people can, within a comfortable environment, seek out information, services and support.

**Ms Thomas**: This past year was the first year that we added to the director-general’s award a reconciliation award within TCCS. We acknowledge the work of someone who has been very committed to that. It will be no surprise to you that the person who won it last year came out of our libraries area. Antoinette Buchanan, who is in our Heritage Library area, won the award for her dedication and commitment to reconciliation within the directorate.

**MS McGRADY**: Excellent.

**THE CHAIR**: Can I add one comment regarding Ms Little’s evidence regarding that focus on our kids in out of home care, given the different cultural experiences that the library provides. The number of our kids in care is quite high. We do not have many Aboriginal and Torres Strait Islander foster parents. I know that many of those non‑Indigenous carers look for these opportunities to help kids to connect. That is very commendable, and I look forward to hearing how the uptake of that is going.

**Ms Little**: Thanks. We are very keen. As I said it is early days, but we can really see that there is something we can do there to make a difference.

**THE CHAIR**: Well done.

**MS McGRADY**: Can you provide an overview of the Aboriginal and Torres Strait Islander employment strategies over the last 12 months?

**Ms Crowe**: Yes, I can. This is an area I really enjoy working in. I am fairly new to this role and whilst the question relates to the past 12 months I would like to take the opportunity to leave for the body our new people strategy which sets the direction and the people priorities and the investment and commitment we make to becoming an employer of choice, creating a great employee experience, developing our employees, providing them with pathways to grow and making sure we have diversity and inclusion across our organisation. I will leave that for the group today.

**MS McGRADY**: Thank you.

**Ms Crowe**: We look at this from a life cycle perspective. Starting with recruitment, we have mandated the recruitment of all identified positions in the *Koori Mail*. We also run information sessions. For example, when Transport Canberra are recruiting for their bus operators they will have an information night dedicated to Aboriginal and Torres Strait Islander people. That is quite popular in terms of the attendance. We also engage with employment providers such as Ignite to assist us. It is probably no secret that we find it difficult to attract to some of our roles.

We also provide a scholarship fund in our organisation of $10,000 that is available to Aboriginal and Torres Strait Islander people who might wish to take up further developmental studies to gain qualifications. That has not been accessed specifically in this current financial year as yet, but there is still time.

Member Keed, who is a member of our staff, has established a peer-to-peer network. So far it is very successful. Whilst the numbers are small—around eight people are participating—we are very much looking forward to it growing. We suspect that that will grow slowly over time, but that provides people with support and mentor opportunities. It also allows us to link into identify development for them and it reduces any social isolation they may feel in the workplace.

We do all the normal advertising through newsletters and emails and posters and messaging in the workplace. We have embedded core training across our organisation. One thing that we have been working on over the past few months with recruitment is making sure that we advertise a position in such a way that it is fit for purpose.

When we have advertised a role that might be a manual labour-type role we have been asking people to complete an application, write a set of words and come and sit across a table and answer a set of questions. But they are people keeping our city clean doing manual work so we recognise that that is not fit for purpose and is not engaging the right people into the organisation. We are doing a lot more work to have practical assessments and involve the teams in that approach so it is more relevant to the people applying for jobs with us.

We support people to attend conferences. Last year Ben and Corinne from transport operations attended a conference on reimagining the public administration. That is something we are actively supporting across the organisation. We run regular update your details processes. Not everybody declares their status so it is difficult for us to know exactly the profile of our organisation, so we run those regularly. The last one we ran was in November when we saw a marginal change in the numbers but nothing really significant.

We have trainees, so we have vocational programs and traineeships. The last three folk we had were successful placements across our organisation in business administration, roads maintenance, and place management, so keeping our city clean. We have apprentices and they are generally in our urban tree area or are mechanics in Transport Canberra operations.

**THE CHAIR**: But in general terms you have a targeted strategy? It is not just the traditional public service way of trying to bring in not just our community but others? I would assume that part of the issue is people understanding that these are not necessarily traditional public service jobs and that you can be out and about.

**Ms Crowe**: Absolutely.

**MS McGRADY**: You talked about traineeships. How can that reach Indigenous kids in years 11 and 12? How can it recognise people with certain skills through Gugan? How can we stretch that road a little further to go out to places and let people know about this funding and these traineeships?

**Ms Crowe**: We certainly participate in career expos, but I am more than happy to explore avenues.

**THE CHAIR**: The evidence we got from the Education Directorate this morning was that of 100 to 110 Aboriginal and Torres Strait Islander students finishing year 12, 60 per cent or so are likely to not matriculate to university and only about half have completed formal VET options. It would seem that for a large part of that group at least there is a starting point to a job that may be of interest and a little less intimidating than perhaps an office job. If we could build on the strategy to have a pipeline with education that would be fantastic.

**MS McGRADY**: How many Aboriginal and Torres Strait Islander staff have had an opportunity for higher duties over the past 12 months?

**Ms Thomas**: I am aware of a couple of our Aboriginal and Torres Strait Islander staff having the opportunity for higher duties, but I do not have a total number. I am happy to take that on notice and answer it if we can.

**Ms Crowe**: It might be difficult for us to answer the question because not all of them are openly declaring their situation.

**THE CHAIR**: Of the people who do.

**Ms Crowe**: But of the people who do we can try to obtain that information.

**MS McGRADY**: Thank you. Has the directorate engaged their employees in understanding the significance of Aboriginal and Torres Strait Islander protocols, in particular, Ngunnawal welcome to country, smoking ceremonies and water blessings?

**Ms Thomas**: Yes, we have. It has become a very important part of our directorate. One of our reconciliation action plan items for the past period was to bring the Ngunnawal acknowledgement into more of our general meetings so it became something people thought about a lot more.

When we are opening anything of significance in the directorate we request a welcome to country. We had a recent example of a festival in Gungahlin and we made sure we had welcome to country as front and centre of that.

We are very respectful of smoking ceremonies and the importance they play. We have requested them when we feel that we have something of significance to share with the community. When we launched our reconciliation action plan we had a very moving smoking ceremony.

**Mr McHugh**: As the D-G has said the first RAP had actions to commit us to doing things, and the next step is ensuring that our people are applying those things. In the theme of self-determination we do not force people at the start of every meeting to provide an acknowledgment but we encourage them when we have people from outside the directorate in those meetings to demonstrate to them our commitment to these things. We think that is a nice way to bring that generally into our behaviours.

We have another launch planned for our stretch RAP a bit over a week away where we are in the process of making sure we are appropriately responding to these things.

**MS McGRADY**: How has the directorate provided employment opportunities for people exiting corrections and youth justice facilities?

**Ms Crowe**: We have had quite a bit of success in the past 12 months. We have partnered with throughcare through the JACS program and we have had three detainees who have been almost ready for parole. The first person who joined our organisation went into our Yarralumla nursery and was so fantastic that we extended the three-month temporary non-ongoing opportunity whilst they were still part of the program. They have now been released and they have a six-month non-ongoing contract with our organisation.

The second person started in our Capital Linen environment recently, and the third, a female, will start in the next couple of weeks at Capital Linen. None of those people is Aboriginal or Torres Strait Islander, however, it is certainly a pipeline that provides that opportunity, and we have had a good experience with it.

We have also met and had conversations with WorldView. We have not yet connected anything into our organisation but we certainly have a good understanding of their organisation and we have invited them to learn more about us to see whether there are connections.

**THE CHAIR**: As a targeted pipeline of employees there will be some unique pastoral care consideration, so the fact that you are talking to people who are doing that sort of work is excellent.

**Ms Crowe**: One WorldView person on staff was an applicant in our urban trees environment, but I am not sure of the outcome of that process.

**MS McGRADY**: How has the directorate engaged with Aboriginal and Torres Strait Islander peoples’ communities and organisations over the past 12 months and what has been the outcome?

**Mr McHugh**: We obviously use traditional means as we would when we consult on a whole range of things with the broader community. We know we capture Aboriginal and Torres Strait Islander responses through those consultancies. For more targeted stakeholder engagement processes with the support of OATSIA and the elected body secretariat we are able to get access to particular community groups who may have a particular interest in the outcome. For example, we are working in the play spaces realm at the moment, particularly around natural play spaces. We have sought particular input from groups who might be interested in the design of those things. Our better suburbs program was a comprehensive engagement process throughout 2018 and it had some specific targeted consultations and engagement.

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

**Ms Little**: Libraries ACT employs an Aboriginal and Torres Strait Islander coordinator; you might know Brian Demmery.

**THE CHAIR**: He is a walking library.

**Ms Little**: Yes. He connects across the community to not only engage Aboriginal and Torres Strait Islander people in library programs but to make sure that the library programs are relevant and people feel confident to come in and use the library services.

This year he is particularly focused on working with a young men’s group in Gungahlin for young men aged eight to 12. He is acting as co-facilitator of that group and is a mentor to them and is linking them to libraries and the resources that we have.

One of the things he has particularly been working with them on is cyber safety. We belong to a program called eSmart Libraries which is funded by Telstra and that Alana & Madeline Foundation out of Melbourne. That provides kids with a digital licence, if you like. They come out with a licence which increases their technology awareness and particularly their cyber safety awareness.

Other organisations we have worked with are Gugan of course and Winnunga. We have a very strong relationship with the Koori preschools. We work with the child and family centres, particularly their parenting programs, and we have reached out to Indigenous units in some of the non-government organisations as a way of trying to connect with other people in the community.

We are starting some planning around getting a connection in to discuss with the community about resources, so making sure we are getting the right feedback about what resources are appropriate, what are the best resources and what the community would like to see in the library so people can recognise themselves in the collection and the services and resources we provide.

Those relationships make possible all the things I talked about previously. We have been able to partner with all of those groups in making sure that the programs around celebrating culture and language and those sorts of things are appropriate and successful.

**MS McGRADY**: What Aboriginal and Torres Strait Islander outcomes has the directorate achieved through your procurement processes over the past 12 months?

**Mr McHugh**: I will give you some answers now of the known current engagements that we have had over the past 12 months. But it might be more comprehensive if we also provide a table of those back to the body so that they can see. We have engaged through procurement with, as I mentioned earlier, a range of artists, like Lynnice and Kristie Peters. We have engaged with Murrimatters in helping to guide the development of our second RAP. We have engaged with Thunderstone and with Curijo to help us with our cultural awareness and cultural integrity training. We have also engaged construction companies like Projex and FM Projects services to do maintenance and construction activities across our assets. There is more there, and I will not go through those but, at a bare minimum, our commitment initiative funding in this current financial year is in excess of $1.6 million to Indigenous local businesses. We can provide—

**THE CHAIR**: Local businesses—that is good. We did have in our list another question about Boomanulla, but we think that that has been covered quite well. Thank you for your attendance today. For me, seeing a directorate that is building on their business as usual but enhancing outcomes for Aboriginal and Torres Strait Islander people is what makes the most business sense and makes it sustainable, rather than just focusing on something for six months and then losing interest. To see the structure and systemic change but it making sense in the businesses you deliver is commendable, and particularly that those opportunities are not just about doing something to us, to Aboriginal and Torres Strait Islander people, but about helping the broader community to learn and to have a better understanding of the place they live in and the cultures that surround them. Thank you for that.

**Ms Thomas**: Thank you, chair. I also give my personal thanks, given that I am leaving, to the members of the elected body, as well as the members of the broader community. I always feel like the more I learn, the more I know I have to learn. It is a slightly emotional subject, as the team know. I have really committed to this. We have a great determination at TCCS to do what we should be doing for the Aboriginal people.

**MS McGRADY**: I too would like to take this opportunity, as the member who represents the body in your directorate, to note, as I have said before, the respect, the care and the sensitivity that was given to all of the work and every single worker that worked on bringing Boomanulla to where it is now. We appreciate it wholeheartedly. Just by going back there to visit through the past 12 months and seeing all of the workers there; it might have been a small detail that we asked of you or something that came back into the community but it meant a whole lot more.

**THE CHAIR**: For an example, a trophy that was found in the middle of the oval had been dinged up. Your staff kept it but also got a replica of it in case that was more important. Their attention to detail was magnificent.

**MS McGRADY**: I have loved working with you. Thank you.

## Short suspension.

ACT Health and Canberra Health Services

De’Ath, Mr Michael, Director-General

McDonald, Ms Bernadette, Chief Executive Officer, Canberra Health Services

Shuhyta, Ms Amber, Acting Executive Group Manager, Policy, Partnerships and Program

Bracher, Ms Katrina, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, Canberra Health Services

Bone, Mr Chris, Deputy Director-General, Canberra Hospital and Health Services

Taylor, Mr Russell AM, Independent Chair, Moss Review Implementation Oversight Steering Committee

**THE CHAIR**: Welcome. As is normal process for the hearings, the member with the portfolio responsibilities for health, who is also the deputy chairperson, will direct at least the initial questions. Follow-up questions could come from any member. The way we do our questions, though, is as a collective group and prioritising what we want to ask collectively but also giving a greater level of importance and priority to any questions that might have come to us directly from the community, our role being as their voice in this process. For this directorate it was a little difficult to work out the right rhythm of asking the questions. Perhaps by next time it will be a little clearer how we can do that. There are some questions, particularly at the start of this process, on which the directors-general can work out between you who might take the lead. But we assume in these early stages that they probably have a collective answer, particularly on the retrospective of view of things. Would one or both of the DGs like to provide some opening remarks?

**Mr De’Ath**: Thank you, chair, and good afternoon, elected body members. I of course begin by acknowledging the traditional custodians of the land, the ACT Ngunnawal people, and paying respect to elders past, present and emerging. I also acknowledge all Aboriginal and Torres Strait Islander people who are part of this community and those who are with us today. I do have an opening statement. I think there are some pertinent comments in there and I hope they are appreciated by members.

As elected body members are, I am sure, aware, over the past 12 months there have been very positive changes across the ACT public health system, with the formation of two new health organisations. We now have the ACT Health Directorate, focused on strategic policy for the health system, territory-wide planning, research and population health; and Canberra Health Services, led by my colleague Bernadette McDonald, focused on the delivery of clinical services. Since that transition, the work of the ACT Health Directorate has changed significantly. We are the stewards of the public health system and we now have a sharpened focus on developing strategies that set the direction for our public health services and that ensure that we are meeting community expectations and needs for health care. This gives us an opportunity to be unambiguously focused on that.

Monday next week will represent six months since the transition. In that time the directorate has been developing a new strategic framework, which will be released shortly, that sets out the government’s vision for the public health system and the territory. The strategic framework clearly outlines Aboriginal and Torres Strait Islander peoples as a priority population, acknowledging that this group, amongst others, has disproportionately high levels of poor health status when compared to the general ACT health population. We are specifically recognising that and looking at what we will be doing to address that. It is important for me to mention that framework today because there is a renewed focus on how we work together to deliver better health outcomes for Aboriginal and Torres Strait Islander Canberrans and how we will continue to support the work of our many community partners in that shared goal.

We openly acknowledge that there is much more we can do to increase our focus on Aboriginal and Torres Strait Islander health outcomes. I want to express the commitment that I have as director-general to foster a culture across the directorate that places priority populations, like Aboriginal and Torres Strait Islander peoples, in the foreground of the health service planning and policy work that we are undertaking.

There are key areas of work over the past 12 months that I want to highlight this afternoon. They may blend into responses to some of your questions, and hopefully that will expedite things. I am pleased to say that there has been progress in strengthening cultural confidence for our employees, and in taking on board the recommendations from the last elected body hearing last year.

We are investing in cultural awareness and proficiency training for our staff. We are redeveloping the staff e-learning module “Working with Aboriginal and Torres Strait Islander patients and clients”. This provides staff with an insight into Aboriginal and Torres Strait Islander culture, unique history, beliefs and values. The new online training includes key areas of Australia’s first peoples, European contact, Ngunnawal people, traditional custodians, Aboriginal and Torres Strait Islander health status, and improving Aboriginal and Torres Strait Islander health in the ACT. It is part of our determination that it will be everybody’s responsibility.

In 2018 we saw the first anniversary of the Ngunnawal Bush Healing Farm, which has seen 34 clients participate in the day program. That is one question answered. We have also seen the engagement of Mr Russell Taylor AM to undertake a 12-month review process, working with government and the local Aboriginal and Torres Strait Islander community. I am pleased to say that Mr Taylor’s work continues to deliver excellent recommendations, and I am looking forward to working with him in an ongoing way, as I am sure we all are. I welcome Russell here today. At the same time the government recognises the need for Aboriginal-specific services for withdrawal and rehabilitation. We are progressing this work as one of the priority actions in the drug strategy action plan released by the Minister for Health and Wellbeing in December 2018. I see you have a question on that. We will provide some further detail.

In 2018 we saw a remarkable turnaround in our immunisation rates for Aboriginal and Torres Strait Islander children across the three age cohorts of one, two and five years. In 2016, immunisation coverage for some of these ages was the lowest in the country, but we are now seeing our rates above the national averages, some of them hitting 100 per cent. This is the result of an ongoing collaborative effort between public and private immunisation providers, Winnunga Nimmityjah Aboriginal Health and Community Services, the Capital Health Network and the local community. We should be collectively proud of that work.

In February this year the ACT government signed the Aboriginal and Torres Strait Islander agreement. The Health Directorate has committed to a range of actions across both core and significant focus areas.

There is a range of other positive achievements that I would like to reference: the funding of a mental health nurse at Gugan Gulwan Youth Aboriginal Corporation; regional mental health planning by the office of mental health and wellbeing; the engagement of the Aboriginal and Torres Strait Islander community by the mental health advisory committee; commencement of the LifeSpan suicide prevention framework, with specific cultural application and the newly appointed Aboriginal LifeSpan officer; new capital build funding for Winnunga to expand and improve their Narrabundah premises; and new funding for Winnunga to provide health care services to Aboriginal and Torres Strait Islander detainees in the Alexander Maconochie Centre. This is in addition to ongoing health funding provided to Gugan and Winnunga to support the Aboriginal and Torres Strait Islander community.

I am pleased to say that the ACT Health Directorate is continuing to work towards reconciliation and is committed to making a difference in Aboriginal and Torres Strait Islander health by creating a culturally proficient workforce that recognises that health is about not just the physical wellbeing of the individual but also the social, emotional and essentially cultural wellbeing of the entire community.

I am pleased to announce that with the separation into two entities, the ACT Health Directorate will now commence a new Reconciliation Action Plan, and our senior leadership will be modelling all the elements of that and the mantra of all of this work: everyone’s responsibility. I appreciate the commitment of our staff to this. I appreciate the support we have had from the elected body and the many conversations we have had in the past 12 months as we have been moving through change. I look forward to continuing to work with you as we continue to make a far greater difference than we currently are.

**Ms McDonald**: Thank you for inviting me to participate in the hearings today. I acknowledge the traditional custodians of the ACT, the Ngunnawal people, and pay my respects to the elders, both past and present. I also acknowledge other Aboriginal and Torres Strait Islander people who are part of this community and here today.

Since commencing my role with Canberra Health Services in October, I have worked closely with staff and Aboriginal and Torres Strait Islander organisations to work towards improving health outcomes for our community. I was pleasantly surprised to have a member of the elected body, Jo Chivers, as a regular member of the Canberra Health Services executive committee, where she has the opportunity to contribute to discussion and decision-making in relation to equality and safety, risk management, clinical care and service provision, to name just a few things.

I am committed to focusing on attracting Aboriginal and Torres Strait Islander people to work in our workforce. As such, we will soon be appointing a manager, workforce inclusion, for Canberra Health Services. This position will work with the elected body, Reconciliation Australia and other Aboriginal and Torres Strait Islander stakeholders to develop an inclusion framework and plan to increase the number of Aboriginal and Torres Strait Islander employees in identified and mainstream positions at Canberra Health Services.

I am also committed to supporting and empowering Aboriginal and Torres Strait Islander employees by providing a work environment that is culturally safe and skilled and supports their development and career aspirations. At Canberra Health Services we are committed to measuring and improving the health care provided to Aboriginal and Torres Strait Islander patients. We are currently reviewing our datasets that are regularly monitored, and will include key indicators relevant to Aboriginal and Torres Strait Islander people in this dataset, and the activity levels of our Aboriginal and liaison office team.

My aim is to keep this work and these measures a key focus of the executive and the senior leadership team. Canberra Health Services will also commence work on a reconciliation action plan for the next three years, which will form a key part of our overarching strategic plan, and will implement a CHS Aboriginal and Torres Strait Islander workforce forum, where all Aboriginal and Torres Strait Islander employees are able to provide information, receive feedback and provide ideas. I look forward to working with the elected body, my staff and other stakeholders on progressing these key initiatives and lots of others over the coming year.

**MS CHIVERS**: We have identified three priorities that we would like you to progress within the next 100 days. Can you tell us what activities you will undertake within the period in relation to residential rehabilitation for Aboriginal and Torres Strait Islander people in the ACT, a strategy to meet demand for crisis mental health services for Aboriginal and Torres Strait Islander people, and the Ngunnawal Bush Healing Farm.

**Ms Shuhyta**: I acknowledge the statement that Mr De’Ath has made. I will answer (a) and (b) of that question and then hand over to Michael for item (c).

On the residential rehabilitation for Aboriginal and Torres Strait Islander people in the ACT, we committed to that under the action plan for health for the ACT agreement. It is also committed to under the ACT drug action plan. We commit to commencing stakeholder engagement around options for that for the territory. We have also already started doing some data and modelling analysis around rough costs and demand as to what that option might look like in scope. It is in the project initiation phase, which is the initial steps of stakeholder engagement and determining our options in that space.

For managing the demand on crisis mental health services, there are a number of strategies already underway. We have ongoing commitment to provide mental health nursing to Winnunga, as well as a psychiatric registrar there, which promotes priority access for people in mental health crisis. We have introduced a similar model in Gugan as well, to help streamline Gugan’s access to mental health services through a dedicated mental health nurse there. That promotes priority access and culturally responsive mental health assessment for Aboriginal and Torres Strait Islander people in those services.

I understand that mental health, justice health and drug and alcohol services have been centralising their Aboriginal health work force so that there is access to ALOs or AHOs in the crisis services and community mental health teams. There has been an implementation of a redesigned model of care which has increased in general the access to crisis services, introducing an acute response team and an intensive home treatment team. The services have also implemented and are rolling out a cultural responsiveness framework for all mental health staff, with the rollout of training and looking at understanding the breadth of presentations and multilateral issues that someone might be approaching a mental health service with, to have real cognisance of culturally appropriate responses to those presentations.

**THE CHAIR**: Just in case we are on slightly different tracks, the question is actually about activities for the next 100 days. Each of the things you have just outlined will happen in the next 100 days?

**Ms Shuhyta**: They are already in place and rolling out.

**THE CHAIR**: So we will see activity around them?

**Ms Shuhyta**: We will see activity around them. The other new piece of work that we will see activity around is our Aboriginal and Torres Strait Islander engagement in the LifeSpan suicide prevention project. We have recently employed an engagement officer who will be commencing close work with the community, establishing a working group to have community-led and community-driven suicide prevention and mental health crisis strategies that we can learn from and implement.

**Mr De’Ath**: On the bush healing farm, I want to make a few opening comments while focusing on the 100 days. The first thing is that there is a very strong commitment from me, the ministers and the ACT Health Directorate that this piece of work will be Aboriginal led. We see it as fundamentally important that it is Aboriginal led. With Russell Taylor taking on that task and working with people, prior to where we are now and looking forward to the next 100 days, there has been a considerable level of groundwork done, a lot of engagement with people and a meeting, I know, for example, with the United Ngunnawal Elders Council (UNEC) on 14 March, which I understand has led to some very productive discussions which have helped to inform what the next 100 days will look like.

If elected body members are happy for us to comment, I am really happy for them to comment as well, and happy to return to them at any stage. The critical task in that would be the upcoming workshop, for which I understand a date is yet to be set. We are negotiating a date. That workshop will bring a number of parties together to examine a range of issues that are presented in Russell’s contract with us in terms of the criteria which were established for the pieces of work to be rolled out.

Russ has indicated that the next 100 days are going to be pretty intensive. There will be the workshop but also he will be meeting the various elements of his contract around governance, ongoing programs, staffing and so on about what the farm will go on to look like and be about. It is really important that the next 100 days, now that Russ has done some really good groundwork, is about getting some more uniform agreement from people and getting broader engagement in what it possibly could be, what people’s thinking is and what that can look like going forward.

**MS CHIVERS**: Questions 2 to 5 have been asked of all directorates. Question 2: how many Aboriginal and Torres Strait Islander people have been part of selection panels for the directorate in the past 12 months?

**Mr De’Ath**: We would have to take that on notice, I think, to give you a comprehensive and accurate response.

**Ms McDonald**: For Canberra Health Services we would take it on notice and go back. As you would understand, we have 7,000 staff, so we have a lot of panels. We would need to go back and audit those to find out how many Aboriginal and Torres Strait Islander people we had on the panels. There are a lot.

**MS CHIVERS**: Following on from that, question three might be another one that you will take on notice.

**Mr De’Ath**: Correct.

**Ms McDonald**: I think we could answer question 3. Ninety-three per cent of our staff have had cultural—

**THE CHAIR**: We had better read the question for the record.

**MS CHIVERS**: How many selection panels have at least one member who has completed cultural awareness training?

**Ms McDonald**: We have 6,800 staff who have completed cultural awareness training. That is 93 per cent of our staff. So we would feel reasonably confident to say that there would be many people sitting on panels who have had the cultural awareness training. But we can go and confirm that for you.

**THE CHAIR**: For context for those questions, and sitting neatly with the new agreement and some of the action plan items that we have across whole of government, we are trying to get people to focus not just on the things that are being done to or for Aboriginal and Torres Strait Islander people. Part of the problem is that the systems and structures are not equipped to measure the skills and experience that people might bring.

**MS CHIVERS**: Question 4: how many incidents of racism are generally reported within the directorate each year, and how are they reported?

**Mr De’Ath**: For the ACT Health Directorate, I am not personally aware of any incidents of racism that have been reported. But I would like to take that on notice to check the numbers in relation to what currently exists as the ACT Health Directorate.

**Ms McDonald**: For Canberra Health Services, we have an incident reporting system just for patients. Any incidents of racism would come through our complaints process or reports to staff. We are not aware of any specific incidents of racism with patients that have been reported to us. I am not saying it does not happen. With staff, we invite our staff to report in our incident reporting system or just report to managers. Again, we do not have any specific incidents. It may come through in our bullying reporting and from those sorts of things. We would have to go back and break that down to see if there were specific incidents reported there.

**THE CHAIR**: One of the things that this is particularly focused on, and it is an aspiration in the agreement and in the initial action plans, is around addressing systemic racism issues. The processes that I assume you are relying on are about people being able to raise issues that are directly about staff or services delivered by Health. What we, into the future, are also interested in, though, is how your staff, if there is a disclosure of a racial issue, deal with that, not necessarily just a complaint about them as an individual but that they have experienced some level of racism. How has that been dealt with?

**MS CHIVERS**: It flows on to question 5: how does the directorate address incidents of racism?

**Mr De’Ath**: As you are probably aware, we have fixed processes in there for managing all matters of misconduct in performance and serious misconduct. So there is a natural set of processes there that would apply in the space. At the moment, given the cultural review that has just landed, with 20 recommendations, part of that is where we will be looking at those processes. A concern around those processes is just how expedient they are, how streamlined they are, or how they work in the very early stages in the life of a problem or an issue.

What I think is fundamentally important is that there are two or more people involved in this: the person who experienced it and the person who committed it—or persons. What we need to continue to look at in those processes is not just how you manage the performance and the issue of an individual who is not behaving appropriately but also how you support the person who has been on the receiving end of that. There is quite a body of work already underway about those processes.

**MS CHIVERS**: How do the directorate and health delivery services encourage and support Aboriginal and Torres Strait Islander patients or clients to identify, and what processes do health workers undertake to support those patients who identify, as Aboriginal and Torres Strait Islander clients?

**Ms McDonald**: We have a standard question asking all our patients who present to emergency or get admitted through any of our services whether they identify as Aboriginal or Torres Strait Islander. That is entered into our patient administration system. There is a list produced every day for our Aboriginal liaison officers of the team, and they then flow up with those patients who have identified. We also encourage staff to ask, if it is not declared on admission but somebody decides to tell us after admission, that it then gets put into the system. So the list is always current for our Aboriginal liaison officers to follow up. But also we encourage staff to make referrals as they need to for patients to our Aboriginal liaison officers and their team.

**MS CHIVERS**: How do you ensure that staff do ask that question, given that we know from community members that sometimes they are not asked?

**Ms McDonald**: This needs an audit process. I would need to go back and check exactly what our audit process is in terms of whether we are always asking the question and also whether we are always asking the question in an appropriate way and giving people time to respond. I will take that one on notice in terms of how often we are auditing that. We do audit. It is the same with standard questions like name, date of birth and all those sorts of things. There are audit processes for those identifiers as well. I do not have the data in front of me in terms of that.

**MS CHIVERS**: How does the Aboriginal and Torres Strait Islander practice centre improve cultural competency knowledge and understanding within ACT Health, and how is this measured?

**Ms Shuhyta**: The first part of that question I can answer by saying that the Aboriginal and Torres Strait Islander Practice Centre does many leading pieces of work, including our active involvement in national committees such as National Aboriginal and Torres Strait Islander Health Standard Committee (NATSIHSC) and the Aboriginal and Torres Strait Islander mental health suicide prevention project reference group and connecting the outcomes and plans through those groups into our local contextual needs.

The practice centre is leading the development of the draft ACT strategic priorities, which really build on our health action plan under the agreement in looking at some community-led strategies in terms of development of cultural learning packages, promotion of cultural dates of significance, establishment of an Aboriginal and Torres Strait Islander health network, establishing data quality improvements and funding Aboriginal and Torres Strait Islander programs and services, and what opportunities we have under those key areas. It is also the team that will be developing and coordinating the development of the health contributions to the outcome’s framework through the agreement.

Understanding how the impact is measured is a really good question. I do not think I have an answer for you for that. We look at the outcomes in terms of the health performance data that we get through AIHW, and the practice centre commissions an ACT-specific report in terms of that. So we are looking beyond some of those direct indicators for them within the directorate to what the end point is and the end result for the health of the community. But it is an interesting question. I would love to take that back to the practice centre and look at how we further measure the impact of that team in the directorate.

**THE CHAIR**: Was any of the content of the cultural competency training developed with or based on some of the successful models of Aboriginal-controlled service delivery for the ACT?

**Ms Shuhyta**: I am going to take that on notice. I am not sure about the specific answer to that question.

**Mr De’Ath**: Could we take it on notice, please?

**MS CHIVERS**: Yes, thank you. How do you ensure that all new ACT Health programs, strategies and policies take into account any impact on the needs of the ACT Aboriginal and Torres Strait Islander population?

**Mr De’Ath**: I probably have a very high level answer, which may not fully satisfy the needs of the body. We are happy to do more work on this question. Part of forming the new ACT Health Directorate has been revisiting and redesigning all of our governance arrangements. We now have in place, chaired by the deputy director‑general for health systems, policy and research, a committee that looks at all of our policy activity, that is, policy around the health system. In terms of HR policies and other policies and so on, those things sit in other places. On the level of confidence I can give around this at the moment, I have a pretty strong line of sight, because a lot of things land with me before they go to ministers and so on, or the activity comes up to our directorate leadership committee.

My impression and the anecdotal evidence would be that there is a lot of consideration given to Aboriginal and Torres Strait Islander matters in all manner of policies, programs, strategies and activity that takes place. I mentioned the framework before, which has a specific area. Quite often what we are looking for is for it to be conspicuous as opposed to assumed. There is a lot of documentation that we produce, and the analysis on that to comprehensively answer this question would probably take some time. What I can assure the elected body is that there is a strong emphasis on this. We are looking at this as a critical part of any work we do. To get into specifics would be difficult for me exactly at this moment.

**MS CHIVERS**: I note that I do meet with you on a regular basis and that this will absolutely be something that we can discuss further at those meetings.

**Mr De’Ath**: That would be welcomed.

**MS CHIVERS**: One of the areas of most concern to the elected body members from the 2018 hearings was the lack of a solution for the provision of culturally appropriate rehabilitation and detox places for Aboriginal and Torres Strait Islander people in the ACT. What has the directorate done since the 2018 hearings to address this?

**Ms Shuhyta**: The two key pieces of work that it has done are that it has been committed to in the ACT drug action plan and also in the ACT agreement that we are committed to working on that. In terms of what we then need to do, I think I have answered that in the first question. I think my answer is that it is committed to through those two plans. That is what we have done.

**THE CHAIR**: Could I ask for perhaps an indication or an assurance? This is obviously not an issue that has popped up in the last 12 months. Like other issues we have talked with other directorates about, for example, *We don’t shoot our wounded*, which sat for a decade before things were picked up. Within the processes that you are describing, whilst we need a contemporary solution now, from the work that has happened over at least a decade, and perhaps longer for other groups, is all of that advice being considered?

**Ms Shuhyta**: Yes. We definitely do not want to reinvent the wheel as if we are asking the question from square one. I would have to take on notice the process that has been taken by our population health area in terms of collating all of that information.

**THE CHAIR**: What has been considered; thanks.

**Mr De’Ath**: There are elements to this, sometimes in response to this, sometimes in other government processes, that are currently in train.

**MS CHIVERS**: The next series of questions are in relation to the Ngunnawal Bush Healing Farm. Has the strategic purpose for the Ngunnawal Bush Healing Farm been established? Leading on from that, how have the Ngunnawal Bush Health Farm board been engaged or informed of progress over the past 12 months? What are the key objectives for the review being undertaken by Mr Russell Taylor? What is the timeline for this work? What is the progress of the Healing Foundation in relation to the work that they are undertaking?

**Mr Taylor**: I acknowledge country, pay my respects to the elders past and present and pay tribute to their resilience as first nations of Australia.

*Mr Taylor then spoke in Kamilaroi language.*

It is a pleasure for me to be here. I acknowledge the respect with which these processes are being conducted. I know other jurisdictions that look with envy at these processes. Thank you for your efforts and your engagement in this process. I think it is very important. I will try to answer the questions off the cuff.

My engagement until now really has been one of consultation. One of the issues that I have discovered has been that, in terms of information about the history, the current status and where it may be heading in relation to the Bush Healing Farm, there is a diversity of views, caused by misinformation, lack of information and a combination of both. I have to say that some of the media reports have not been helpful in terms of either the history or the future of the Ngunnawal Bush Healing Farm.

I was engaged to do a review, basically a top-to-tail review that looked at the governance, the management, the programs, the policies and the procedures, right down to the nitty-gritty detail but starting at the higher order level of governance. There is no doubt that the governance has been dormant. We basically have a project that has been project managed by directorate staff with very little governance and certainly no governance influence or input over recent times from the Indigenous community. The purpose of my engagement was directly about trying to fix that, trying to address that. The director-general’s discussions with me were driven in part but very importantly by the fact that they were aware that we needed to revisit some appropriate governance arrangements. When we say governance we are talking Aboriginal and Torres Strait Islander governance.

Despite the diversity of information and understanding, certainly there has been a lack of communication to the community. I would have to accept that and take some criticism for that. Even since my engagement, the communication has certainly not been as effective as I would have liked it to be. But I have certainly tried, with the people I have dealt with, to inform them of the nature of the contract that I have, the work that I am expected to undertake and the underlying reasons behind that.

It is very frustrating, partly because of the lack of governance but also—I will just take a step back. When I was engaged, the directorate had already engaged the Healing Foundation to develop the healing framework for the Ngunnawal Bush Healing Farm. That piece of work is particularly important and critical. Why? There are a number of reasons, but one of those reasons is that it will have some influence on the nature and type of programs that are delivered. It will also influence the support required and the wraparound services that may be required. For the work that I am undertaking, it makes it a little easier for me to identify the resources, both human and financial, that are required to adequately resource whatever is needed.

I have say—and I have said this to everybody; it is not a secret—that I think that the potential for various programs that address some of our community’s dysfunctional, negative, life-costing activities, the potential for this farm to have a positive influence, is unlimited. However, first order things first: I have come to an agreement with the director-general and the directorate staff, and with support from many of the community people that I have talked to, that there is a need to bring people together.

To correct the director-general’s comment earlier, the date has been set for a workshop on 15 April at the Yarramundi Cultural Centre. It has a fourfold purpose. One is to start to re-engage with community. Invitations are going out as we speak. The elected arm will certainly get an invitation, as will others, to attend the workshop. The fourfold purpose of the workshop really culminates at the point where my work cannot go much further until the workshop happens. I will explain if I can.

Firstly, it is to target the re-engagement with community, because a lot of our community members have disengaged because of misinformation or lack of information or whatever.

The second bit—and I have the support of both the Minister for Health and Wellbeing and the Minister for Aboriginal and Torres Strait Islander Affairs, who will both be attending the workshop, as will the director-general and other senior staff—is to restate the commitment of the ACT government to the longer term objective of the Ngunnawal Bush Healing Farm, which is to have a healing farm that provides benefits to community in a whole range of ways and that is governed, run and managed by Indigenous peoples. That will be restated at the workshop.

The third element is to get the perspectives of the people at the workshop about what the new governance arrangements should look like. I suspect that we are still talking about an interim arrangement with an advisory board. But I need the people who support the workshop to state their perspectives about who should be on that governance board. I am looking forward to that, because once that is decided we can reconvene the board and start to address issues that go to proper governance arrangements, including program activities, decision support mechanisms etcetera, staffing and whatever. I am happy to make some recommendations around that. Nevertheless, my view is that, if we are fair dinkum about it being self-determining, those decisions have got to come from the advisory board, not from me. But I will be facilitating and whatever to make sure that they have both the capacity and the information to make those calls.

Then there is the fourth element. The first one, as I said, is re-engagement with community. The second one is recommitment to or restatement of the commitment from the ACT government. The third one is to institute some new governance arrangements. The fourth one is to seek agreement at the workshop for people to engage in processes for the development of the healing framework. That is a very important piece of work. It really is an impediment to my going much further with my brief, because I need that work done.

The Healing Foundation has already been engaged and has a very effective process for that. At the workshop, Healing Foundation representatives will go over the benefits of that work and their approach. Hopefully people will see the wisdom and the value in engaging with the process. I do not want to be critical, but there is no doubt that there has not been an appropriate response to the Healing Foundation’s request for people to engage in that process. Hopefully, as a result of the workshop, that will flow; the appetite to be involved and participate in the development of that framework will happen.

In terms of the next 100 days, I am hoping that we can have not only the workshop but also the healing framework almost done and dusted within that time frame. That then will allow us to consider other issues and hopefully not only develop a suite of programs that are effective now but also talk about what programs we might entertain in the future and about a whole range of things that you have already asked questions about. It is not a panacea but it is certainly going to make, I think, a strong contribution if we can harness the potential of that property, that facility. I do not know if I have answered all the questions.

**MS CHIVERS**: In relation to the workshop on the 15th, will the members of the advisory board be invited to that workshop as well?

**Mr Taylor**: The four members?

**MS CHIVERS**: Yes.

**Mr Taylor**: There will be representation from you, the United Ngunnawal Elders Council, Winnunga, Gugan, et cetera, and from individuals as well, not just organisations. As I say, it has strong ministerial support, strong support from the directorate. It is a very important piece of work. I have a positive view about the outcome.

**MS CHIVERS**: I am going to jump around a bit with the questions. I will focus on some questions that we got from community members specifically. If by the time we finish we still have a considerable number of questions, they will be provided to you to respond to.

**Mr De’Ath**: We are happy to respond.

**MS CHIVERS**: Fantastic. When Aboriginal and Torres Strait Islander people, especially females, are admitted to the Canberra Hospital, how is cultural appropriateness considered when finding them a bed?

**Ms McDonald**: The first consideration we always have is clinical need and urgency, and where the most appropriate point of care is for clinical need. You would understand that if someone requires intensive care services then that it is the first location we go to. That is the first consideration. Then the preference obviously is that females are with females. Then if there are particular requirements or requests made by the patient from a cultural perspective we try to accommodate those as well. But, as you would understand, the demand is very high and we do try to balance those. So it may not be in the first instance but it would always be sought to try to move somebody to the most appropriate area within the organisation.

**MS CHIVERS**: Over a long period there has been an average of 23 per cent of Aboriginal and Torres Strait Islander detainees within the AMC with ongoing drug and alcohol addictions. What has the directorate done to treat and deal with this ongoing problem within the AMC and in the community?

**Ms Bracher**: Good afternoon. I also acknowledge the Ngunnawal people today. The question was around opiate replacement programs at the AMC, I understand.

**MS CHIVERS**: It was in relation to what the directorate has done to treat and deal with this ongoing problem within the AMC and in the community. Obviously those detainees have come from the community and, when released, come back to the community.

**Ms Bracher**: Opiate addictions are treated through a harm minimisation approach. At the very pointy end, at the treatment end, and I think that is where your question is coming from, what we do in the community is see people in a tiered treatment system. Some people see their GP, are prescribed by their GP and are treated in the community by a community pharmacist. Some people who may need an addictions physician are assessed by an addictions physician but are then treated in the community by a community pharmacist. But for some people who are quite acute and whose lifestyle might be quite chaotic we have an addictions service at the Canberra Hospital that has addictions physicians who assess and provide treatment and care. We also provide the medication at the Canberra Hospital for those people on a daily basis.

We have an electronic dosing system called idose. That is a vendor name. It is an electronic dosing system that we use in both building 7, the alcohol and drug service, and out at the Alexander Maconochie Centre. We have implemented that over the past 12 to 18 months. The reason for doing that is to improve the care in the AMC, to reduce the error rate. With any dosing it is found that manual dosing, in any service, is much harder to control than electronic dosing. But we have also done that so that if somebody is in community in the morning and in the AMC or the watch house in the afternoon—or, vice versa, is released from the AMC—we have an electronic record of exactly what dosing through our service the person has had. That is a very strong quality and safety mechanism that we have in place now.

What do we do in the AMC? We have a very formalised arrangement, as you are aware, through the Moss inquiry and the recommendations from the Moss inquiry. Actually in the first instance, following the tragic death of Mr Freeman, we did a major review of methadone dosing at the prison, our prescribing and our dosing, and we made some significant improvements at that point in time. We now have an alcohol and drug worker who does a very comprehensive assessment of the person, a nursing assessment of the person. The person’s case is then considered through a multidisciplinary team meeting. Then the person is assessed by a medical officer. If all of that is heading towards a prescription for opiate replacement therapy, that is provided in the prison.

**MR MONAGHAN**: In relation to the methadone program within the AMC, I have always asked through JACS, which is part of my portfolio, what the stats are in relation to Aboriginal people within the AMC on methadone. Is there a form of introduction to methadone? A lot of people in the community are not using methadone. They get arrested, they go into the AMC and, for some reason, they make a decision to get onto this treatment. I am trying to visualise whether it is to deal with another illness: mental health, back pain or whatever. People go in there and they have not got proper access to the medication they normally use, so some choose to go on the methadone program. To me, if someone comes into the system there has to be a check to say whether they are on methadone in the community prior to coming into the prison, and then there has to be a reason why they choose to go on methadone. I think it is up to Health to find out, to research or engage with this person prior to getting them onto the treatment.

**Ms Bracher**: Thank you for your comments. I agree. I want to acknowledge the significant quality improvement work that we have tried to do. That alcohol and drug nurse, then the case conference and then the assessment by the GP are all about gathering information from the individual themselves and also from treating services in the community. So we do try very hard to gather that information. Many people in the community are undertreated for their addictions. So it is an opportunity when people enter detention, go into the AMC, to provide them with more holistic care.

**THE CHAIR**: Are you able to provide us with the data about the numbers of people in our community on those programs through the AMC?

**Ms Bracher**: Yes, of course. I have some data in front of me. On 20 March we did a snapshot in preparation for today. There were 104 detainees at AMC on the methadone program, on the opiate replacement program. That is 22 per cent of the prison population. Twenty-three of those detainees, so 23 of the 104, identified as Aboriginal or Torres Strait Islander. That is five per cent of the prison population. Eighty-one of the 104 detainees did not identify or were non-Indigenous.

**MR MONAGHAN**: It is great to get updated statistics on that to see what changes are happening within the AMC and what follow-up treatments there are when they get back in the community.

**THE CHAIR**: What would be really interesting over the next period of time is to see what difference the opportunity for Winnunga to provide a more holistic service in the centre provides in addressing some of the other factors that lead to those issues as well, and to see what kind of impact that service is making.

**Ms Bracher**: Yes. I want to acknowledge Julie Tongs’s presence in the audience today and to acknowledge the Winnunga model of care. It is early days and at the moment Winnunga is not involved with the opiate replacement program. However, Julie has been very clear that that is a direction they would like to head in. We are starting negotiations with a review of the schedules under the memorandum of understanding to work towards that.

**THE CHAIR**: So there is opportunity for that access?

**Ms Bracher**: Definitely.

**MR MONAGHAN**: In relation to the bush healing farm, if there is an establishment of some sorts of residential or day programs out there, would there be an exception in relation to methadone?

**Mr Taylor**: There is some reluctance from some of our community members to have, for instance, the methadone program being delivered at the bush healing farm. Also I think there has been some consideration as to whether people on a methadone program should be participants. Certainly—and I understand why people hold these views—for some of the people on the methadone program, probably the people in most need of the program, benefits might flow and may be delivered at the bush healing farm.

I guess what I am trying to say is that that is a decision of governance in the first place, around policy. It is not something that I am necessarily going to decide. It would be something appropriate for the governance board to have a discussion on, to test their ideas and make a decision. Then from that might flow some policy direction on whether people on a methadone program can stay in programs to be delivered at the bush healing farm—or post dosage. I do not have an answer. But it is an issue that has been discussed by various community members.

**THE CHAIR**: This is not really a question for you, Mr Taylor, but probably goes back to you, Mr De’Ath. As I understand the process that you have described, the first step is to bring relevant parties, including historical parties, back together. Without predetermining what the governance and then the objectives and therefore the programs would be, from how I hear Mr Monaghan’s question, should that be what that group decides and, given that there are some other policy and even perhaps legislative and land issues, should it be the direction of the community, would the directorate assist us to progress that—without pre-empting what it is?

**Mr De’Ath**: That is absolutely correct.

**MS CHIVERS**: This question is in relation to adult mental health and, in particular, the Canberra Hospital’s adult mental health unit. We understand that the unit has been consistently overflowing since 2017. How has this specifically impacted on the Aboriginal and Torres Strait Islander community? What measures have been put in place to address this impact?

**Ms Bracher**: In preparation for today, we looked at the data we had for 2017-18 and the data we have year to date for 2018-19. For the first financial year, 2017-18, we had 881 admissions to the adult mental health unit. And you are absolutely right, Member Chivers: the occupancy is high. Through that financial year we had only five people identify as Aboriginal or Torres Strait Islander. I am not sure whether we were not asking the questions. However, in this financial year to date, 652 people have been admitted to the adult mental health unit and 47 of those have identified already this year as Aboriginal or Torres Strait Islander. I am not saying that there has been an increase in access for Aboriginal and Torres Strait Islander people specifically; it might be a data issue where we did not collect the data well enough in the first financial year. But I think it goes to show, to pick up on the comments Ms McDonald made earlier, that we admit people based on their clinical need. It is a unit under pressure. It is a service under pressure. We try, on any day of the week, to make a prioritised decision about who needs access to an inpatient bed.

**THE CHAIR**: Ms Bracher, I lack a health background and also an understanding of the facility. To be honest, 652 admissions does not help me. What does that look like in bed utilisation? People, I am assuming, stay for varying times and—

**Ms Bracher**: The adult mental health unit is a 40-bed acute inpatient unit. Our model of care had intended a length of stay of about 14 days. That is what the evidence suggests that people, when they come in with an acute mental illness, need in order to stabilise to be well enough to transfer back to a community-based service.

That 40-bed unit has 10 high-dependency beds and 30 low-dependency beds. The high-dependency beds are, if you like, the intensive care unit in mental health care. The low dependency are like a general ward where people stabilise and can participate more in programs towards their recovery. Our average length of stay is now somewhere, depending on which month, between 10 and 12 days. That is shorter than we were intending with our model of care. So people are being discharged earlier than our model of care would state.

We have supported those people in our community with an assertive community‑based treatment program. That is how we are trying to manage that shorter length of stay. But it is fair to say that that length of stay is a bit distorted by some people who stay there for a very extended length of stay if they do not have a place to go back to in the community. That would skew the data. On any given day or in any week when we look at what is actually happening, some people have a length of stay which is two to three days, which we would acknowledge is too short, and some people have a very long length of stay. But the average sits around 12 days.

**THE CHAIR**: My question is about utilisation though. On any given day, of the 40 beds, is it 100 per cent, or 90 per cent, or—

**Ms Bracher**: Statistically it looks like about 103 or 104 per cent. That is not two people in one bed. As someone is getting towards the end of their admission, part of our model of care is leave from the unit, so a person could stay overnight in their home and come back the next day for assessment. Because of the demand, we would admit somebody to that leave bed. We do that on a daily basis, which tips us over the 100 per cent. That is the explanation for that.

**THE CHAIR**: As a risk mitigation strategy, if I am a person who is at the point of my treatment where I can go home for a night and that falls over and I need to come back, and there is someone in my bed, what happens?

**Ms Bracher**: You would get the bed. If you come back and you are reassessed, you are still an admitted patient and so we find a bed for you. We have an escalation path—

**THE CHAIR**: If you are at 104 per cent full, there is no bed.

**Ms Bracher**: It is a statistic that is counted at midnight on the day, so it is—

**THE CHAIR**: So there could be more than one—

**Ms Bracher**: Yes.

**THE CHAIR**: Perhaps a better way of asking is: has there been a time when someone has needed to come back but there has not been a space for them?

**Ms Bracher**: Yes. I would have to say that. But what do we do in that circumstance?

**THE CHAIR**: Yes.

**Ms Bracher**: We keep them in a lounge area and free up a bed. We would not—

**THE CHAIR**: You do not just turn them away and say, “Come back tomorrow”?

**Ms Bracher**: No, absolutely not.

**MR MONAGHAN**: With the CATT team, when they are called out to deal with people who are in that mental health state—my experience has seen that happen in the community—the first group to turn up is the AFP. The CATT team will not go near that person until the police are there on site. Then you will get the ambulance. I know that the CATT team will get involved but I do not know whether it is on site or within the hospital. I spoke with Ray Johnson on Tuesday at a meeting and I raised that with him, because some of these incidents can turn into a big issue. I am wondering how the CATT teams make that assessment once there is a phone call. Do they say, “I’m not going there; I’m going to send the AFP”?

**Ms Bracher**: There are a number of ways they make that assessment. If the person is known to us in the system and we have had a particular response on a previous contact, we may at that point seek the assistance of either the ambulance service or the police service to come with the clinician. If the person is not known to the service, we would make an assessment over the phone, depending on how the person is responding or how the person who has rung up the crisis team is describing the situation in the community. We would use that information as an assessment. Our intake line is a 24-hour line but it is fair to say that at night-time, from 11 o’clock at night until eight o’clock in the morning, our mental health workers do not go out at this point to home visit. So if there is a concern, at that point that unfortunately would require the police to attend; police or the other emergency services.

**MS CHIVERS**: The next question I have was not on the list that you were provided but was asked of JACS in their session prior to lunch, and they suggested that we should ask Health.

**THE CHAIR**: So you can thank them later.

**MS CHIVERS**: Is there an Aboriginal and Torres Strait Islander mental health follow-up identified program within the community for former AMC detainees when they leave the AMC?

**Ms Bracher**: With that title, I would have to say no. However, if somebody needs mental health follow-up, if they are being seen in the prison—any person who has been seen in the prison who needs follow up, and our process is the same for Aboriginal and Torres Strait Islander people—we would refer them almost like we do in the hospital: a discharge process to a community-based service. Often that is the Winnunga service for Aboriginal people. Sometimes that is our own community‑based services. And sometimes that person might have a different treating GP, so we would do that. We do have a mental health nurse who works with the Winnunga team in the Narrabundah health centre, a psychiatry registrar. And I know that Julie’s team and the Winnunga service have very competent and able mental health workers in their service.

**MS CHIVERS**: I have got about four more questions and I am noting the time. Then, as mentioned, we will get you to provide written responses to all of the other questions. But I note, especially for community members who are here, that the responses to those questions will become part of the elected body report that goes to government. Those responses will be captured in that mechanism rather than through *Hansard*. In relation to the Aboriginal and Torres Strait Islander practice centre, how many policies and programs have been developed, reviewed and refreshed by the practice centre, and how has Winnunga been engaged in these processes to ensure that best practice is shared across the sector?

**Ms Shuhyta**: I am not of the understanding that there is a process of broader directorate policies coming through the practice centre. That is a really good idea for us to take back to the practice centre in terms of having a review of the broad level of strategies and policies coming through that for cultural competency and cultural responsiveness. In terms of directorate policies then being consulted on with Winnunga, there is not a process that we have, apart from developing the relationship that the practice centre has with Winnunga to remain in contact with community needs and having input from that relationship that we maintain through the practice centre to help inform the practice centre’s advice to the directorate on a number of issues. But there are no formal mechanisms for that.

**THE CHAIR**: It might be our misunderstanding of what the role of the practice centre is, but I understood that part of it was to have a central knowledge bank for helping to influence the broader sector, GP clinics and other services that our community might access in addition to the community-controlled sector; that it was about making sure that should someone, because of timing or choice or whatever options, walk into a health service in the ACT we can have some level of assurance that they are able to get an appropriate service. Have we misunderstood that that is the role of the practice centre?

**MS CHIVERS**: That is what is implied on the description of the practice centre on ACT Health’s website. So if that is not the intent then perhaps you might want to revisit what is on the website.

**Mr De’Ath**: Could I suggest, Chair, that we come back with a clarification on the role and that we look at this question in the light of that role and provide a response in relation to that?

**THE CHAIR**: Yes. And it would be helpful with that response, should that not be the practice centre’s role, to have some indication of whose role it is.

**Mr De’Ath**: I am happy to do so.

**MS CHIVERS**: My final three questions are in relation to the Aboriginal liaison service at the Canberra Hospital. At the 2018 elected body hearings, it was advised that, as part of the review of the Aboriginal liaison service at the Canberra Hospital, you would investigate the possibility of extending the service to weekends. What were the findings of that investigation?

**Mr Bone**: I acknowledge the traditional owners of the land. I cannot answer the question directly about what has happened with the weekend work and the development of the program. I would like to take the question on notice and go back and get the information.

**MS CHIVERS**: Thank you. I will give you some context. In the 2017 hearings there was an undertaking that that would be investigated, and that had not occurred. Then in the 2018 hearings we were advised that, because it had not been followed up when we were told it would be, it would be looked at as part of that review of the broader review of the service.

**Mr Bone**: I acknowledge that, yes.

**MS CHIVERS**: The community feels that the family room located on level 3 near the cardiology ward is isolated. Can the family room be collocated with the Aboriginal liaison service, and can both be located in a more prominent and acceptable location than where they are currently located?

**Ms McDonald**: Since I started, as you would understand, there have been lots of requests for space. We are crowded and we are about to build a new SPIRE building and move people around. This has been one of the requests that I have become aware of. We are in the process of reviewing all our space. We are just doing a space audit at the moment, to understand who we can move where. So I think that there is an opportunity for us to really look at that now. I am not sure what has been done prior to my starting. But I absolutely think that if we could have the safe room and the unit close together it would make a lot more sense. So we will be putting that as a high priority in our space allocations and movements around the health service.

**MS CHIVERS**: Fantastic. I think the community would certainly appreciate that that is being taken on board.

**THE CHAIR**: I am mindful that space is a premium in your facility, but there are several service organisations that probably also come in and complement the work of the liaison officers. So if that has a working space that they are able to even—

**Ms McDonald**: Some hot desks and things.

**THE CHAIR**: That is right, for consideration.

**Ms McDonald**: Absolutely.

**MS CHIVERS**: There is a high demand for the Aboriginal liaison service, but there are still only three staff: a SOG C and two class 5s. What is the justification for the number and level of staffing, especially as the recently advertised Aboriginal liaison officer position for the Ngunnawal Bush Healing Farm is at the class 6 level?

**Ms McDonald**: That is a bit like the space question in terms of there being lots of FTE requirements across the organisation that have not necessarily been put in place as quickly as they should have been. I acknowledge the increased demand. We have certainly got data on the number of patients that our Aboriginal liaison service are seeing, and on the occasions of service. They do not see people just once; they are seeing people lots and providing all sorts of care and education and referrals as well. So I am quite committed to reviewing the FTE and seeing what we can do in terms of increasing support and the number in relationship to the activity increase.

**THE CHAIR**: Moving forward, we will potentially expand the amount of time across the hearings, given that there is literally a new directorate. We will not try to fit all of health across both in an hour next time. I do not know whether that is helpful or worse for you; I am just flagging that that is our intention for the next hearing.

I thank members of the Health Directorate for their assistance in the agreement, particularly in developing the next 18 months of actions plans. I note that just this week the COAG ministerial council that looks at Aboriginal and Torres Strait Islander affairs met with a group of Aboriginal and Torres Strait Islander people to form a joint council to look at refreshing closing the gap. Obviously a significant part of that is the health measures. I put to the table that over the next few months there will be considerable work done at a local level and going to particularly our expert service organisations to talk from their perspective about what they would like to see as targets and deliverables in that process. We will be seeking a similar level of engagement over a short period of time from the Health Directorate, to flag that that is a piece of work that will need to happen quite soon.

Thank you for your preparation today and, Ms McDonald, for your first appearance before the elected body. I am not sure of the formal structure for providing the questions, but you obviously have a copy for now. We look forward to those responses in the allocated time frame that is provided.

That draws to a close this session of the elected body hearings. I would like to formally thank our secretariats, who have helped us immensely, and the other members, who have put in quite some time in preparation for the hearings. We have had in the gallery over the two days a person who is helping us to do the report for the police hearings. It will be far less process and governance detailed and will focus on the key areas of recommendations going forward, so it will be provided to you in a far more timely format than perhaps has happened previously.

## Hearing adjourned at 4.50 pm.