

ACT Aboriginal and Torres Strait Islander Elected Body

**REPORT ON THE OUTCOMES OF  
THE ATSIEB HEARINGS 2016–17**

SEVENTH REPORT TO THE  
ACT GOVERNMENT





ACT|atsieb

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### **Elected Body membership**

Ms Katrina Fanning — Chair  
(8 August 2017 to present)

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Mr Ross Fowler — Chair  
(26 August 2016 – 21 July 2017)

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Ms Joanne Chivers —  
Deputy Chair

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Mr Maurice Walker

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Ms Selina Walker

---

Mrs Lynnic Church  
(attended Day One)

---

Mr Dion Devow  
(attended Day One)

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Mr Tony McCulloch

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### **Resolution of appointment**

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

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### **Terms of reference**

The Elected Body's Hearings process is held under powers provided by Section 26 of the *Aboriginal and Torres Strait Islander Elected Body Act 2008*. In practice, the Terms of Reference for Hearing process include generic questions provided by the Elected Body to Directorates, which are quoted in Chapter 1 of this report.

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### **Acknowledgement of traditional custodians**

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

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

### **Acknowledgment**

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



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# CHAIR'S FORWARD

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## **Welcome to this, the report of the seventh Aboriginal and Torres Strait Islander Elected Body Hearing process.**

You will see from the recommendations contained in the report that there is light and dark in the picture of what progress we may have made since the last report.

On one hand we have to guard against the potential for talk to eat up the time we should be using to put tangible things in place that will make a difference to Aboriginal and Torres Strait Islander people in the ACT. There is much work to be done, and no time to be lost in doing it.

We should also be careful about the capacity for 'box-ticking' to consume the focus and the energy that should, and must, go into addressing our most urgent concerns.

Speaking of 'urgent concerns', there should be no doubt at the deep concern felt by the Elected Body at recent deaths in custody. Somehow all of the frustration we feel at challenges for Aboriginal and Torres Strait Islander people—in relation to health, education, employment and justice—are embodied in such tragic events and could easily lead to despair.

That should not happen if we are serious about doing better.

And, looking at other things considered in this report, there is room for hope. There are programs and services by government and non-government providers that show real promise, and make a tangible difference to the everyday lives of Aboriginal and Torres Strait Islander people in the ACT. As noted in recommendations and supporting text, we hope that these will be supported, expanded, and develop into permanent fixtures in the lives of Aboriginal and Torres Strait Islander people in the ACT.

There are also accountability mechanisms in place through which we can ensure that we are doing more than going through the motions: that we can work toward real progress under the whole-of-government agreement framework. The hearing process reported on in this volume is one of these mechanisms, as is the output reporting framework for the agreement which is referenced in recommendations by the Elected Body in this report.

Government and other players appear genuinely to be grappling with the challenge of implementing the letter and spirit of the ACT Aboriginal and Torres Strait Islander Agreement.

It is important that we, as the Elected Body, encourage them to pursue this in all honesty, and call them to account when they do not. Surely both will happen over the life of this present agreement (2015–18).

More broadly, the Elected Body would like to note the conjunction of things which give Aboriginal and Torres Strait Islander people in the ACT some purchase on the current situation.

We have the agreement, we have the Elected Body, and we have government and other players willing to engage with what can be said, without any risk of exaggeration, to be a complex set of problems. We in the Elected Body take the view that this represents an important opportunity for Aboriginal and Torres Strait Islander people in the ACT, and we plan to make the most of it.

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

**Katrina Fanning**

Chairperson



# RECOMMENDATIONS

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## Recommendation 1

**3.122** The Elected Body recommends that the directorate works collaboratively with CSD and the Elected Body as soon as practical to formulate a business case to feed into the budget process to support Boomanulla Oval in its new form.

## Recommendation 2

**3.123** The Elected Body recommends that the ACT Government put subsidiary timelines in place for consultation processes so that they do not extend to the point where they impinge on, or prevent, the delivery of tangible outcomes.

## Recommendation 3

**3.129** The Elected Body recommends that, in light of realistic paths to job readiness, that the ACT Government seek to engage Aboriginal and Torres Strait Islander secondary students for work experience placements, and that students who meet criteria be considered for future positions in the ACT Public Service.

## Recommendation 4

**4.153** The Elected Body recommends that given Gugan Gulwan Youth Aboriginal Corporation and Winnunga Nimmityjah Aboriginal Health Service are relied upon to provide a number of ACT Government programs and critical services for the wellbeing of Aboriginal and Torres Strait Islander people in the ACT and the directorate work with CMTEDD and other directorates to ensure that both organisations have premises that are fit for purpose to provide these programs and critical services.

## Recommendation 5

**4.162** The Elected Body recommends that the ACT Government provides, as a high priority, support for the outcomes reporting framework developed and maintained by the Office for Aboriginal and Torres Strait Islander Affairs, and that it ensures that agencies and sub-agencies comply with reporting requirements and in taking practical actions to address shortfalls in programs and services monitored under the Framework.

## Recommendation 6

**4.165** The Elected Body recommends that the ACT Government ensure that sufficient resources are available to the Office for Aboriginal and Torres Strait Islander affairs so that its outcomes framework can be adapted, refined, and kept up-to-date as a result of assessment of its effectiveness, and in response to changes in conditions relevant to Aboriginal and Torres Strait Islander people in the ACT.

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**Recommendation 7**

**5.59** The Elected Body recommends that the ACT Government fund the position of Aboriginal Natural Resource Management from the ACT Budget once current grants-based funding for the position expires in 2018.

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**Recommendation 8**

**5.60** The Elected Body recommends that the ACT Government build on the success of the position of Aboriginal Natural Resource Manager by recruiting support staff and expanding the program so as to ensure the ongoing viability of the program.

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**Recommendation 9**

**7.46** The Elected Body recommends that the ACT Government conduct a prospective analysis of the resource needs of CIT Yurauna Centre and in the future provide budget funding which reflects increasing numbers of Aboriginal and Torres Strait Islander students in programs at CIT Yurauna Centre.

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**Recommendation 10**

**8.129** The Elected Body recommends that the ACT Government implement the Ngunnawal Bush Healing Farm proposal so that it includes facilities for culturally appropriate, residential, drug and alcohol treatment for Aboriginal and Torres Strait Islander clients, by the end of the 2018 calendar year.

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**Recommendation 11**

**9.44** The Elected Body recommends that the ACT Government ensure that funding and organisation arrangements for the Aboriginal and Torres Strait Islander Community Bus program are put in place to ensure the continuance and longevity of the program.

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# 1 BACKGROUND

## Introduction

- 1.1 The Aboriginal and Torres Strait Islander Elected Body held hearings on 12 and 13 April 2017 at the Legislative Assembly for the ACT.
- 1.2 This was the seventh hearing process conducted by the Elected Body.
  - 1.1 'Estimates-style (Hearings) process' refers to a series of hearings in which members of the Elected Body ask questions of officers of ACT Government agencies. The hearings are modelled on estimates processes in the Legislative Assembly for the ACT and the Senate.
  - 1.2 An important difference with respect to the Legislative Assembly process is that Section 26 of the *Aboriginal and Torres Strait Islander Elected Body Act 2008*—the source of the Elected Body's power to have witnesses appear before it in hearings—provides that the Elected Body 'may invite an executive officer of a government agency to attend a meeting of ATSIEB to discuss any issues relating to the functions of ATSIEB or the government agency'.<sup>1</sup> Other officers of government agencies appear in a capacity of assisting the executive officer to answer questions and provide information under this section of the Act.<sup>2</sup>
- 1.1 In Legislative Assembly estimates hearings it is usual for government Ministers to appear and be assisted by officers of government. This difference is significant in that Ministers of government may, by convention, answer questions about government policy, whereas officers of government agencies may not, and are obliged to refuse to answer if such questions are put to them.

## Structure of the report

- 1.2 Government agencies which appeared before the Elected Body are considered in this report in the chronological order of their appearance, as listed above. There is a chapter heading for each of the agencies which appeared, in the order in which they appeared, as follows:
  - the Chief Minister, Treasury and Economic Development Directorate
  - the Community Services Directorate
  - the Environment, Planning and Sustainable Development Directorate
  - the Education Directorate, including Canberra Institute of Technology
  - the Justice and Community Safety Directorate, including ACT Corrective Services, ACT Emergency Services Agency, Human Rights Commission, and ACT Policing
  - Transport Canberra and City Services Directorate
  - the Health Directorate.

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

<sup>2</sup> *Aboriginal and Torres Strait Islander Elected Body Act 2008*, Section 26 (2).



- 1.3 Each year the Elected Body provides generic questions to each of the ACT Government Directorates prior to the commencement of hearings, with the understanding that directorates will respond in writing before the public hearings take place. This gives the Elected Body an opportunity to ask follow-up questions during hearings.
- 1.4 The generic questions provided to agencies and directorates in this instance were as follows:
- 1 How can you demonstrate equitable access and increased or improved impact on outcomes for Aboriginal and Torres Strait Islander peoples in the ACT?
  - 2 Since the inception of the ACT Aboriginal and Torres Strait Islander Agreement, can you please advise how your directorate is implementing this as part of your core business?
  - 3 Can you also indicate how you are implementing the agreement through relationships with Aboriginal and Torres Strait Islander organisations and community generally?
  - 4 How have you increased knowledge of the agreement amongst staff and in particular your senior staff?
  - 5 Can you provide an update on your Aboriginal and Torres Strait Islander staffing profile by:
    - a Current numbers (including percentage)
    - b Number of identified positions
    - c Gender
    - d Classifications
    - e Professional development and retention opportunities in place
    - f How are you increasing Aboriginal and Torres Strait Islander representation?
  - 6 What has your directorate specifically done to increase the Aboriginal and Torres Strait Islander leadership into the senior executive of your FTE?
  - 7 What evidence can you provide which would demonstrate that the services your directorate delivers for Aboriginal and Torres Strait Islander peoples in the ACT has been focused and effective.
  - 8 What evidence can you provide which would demonstrate that the policy development and policy impact which your directorate is responsible for have been effective for Aboriginal and Torres Strait Islander peoples in the ACT?
  - 9 What percentage of your directorates' budget was allocated specifically to Aboriginal and Torres Strait Islander programs, services and clients? What evidence can you provide that this allocation was value for money and sufficient to meet the need? How much of that is utilised for administration?
  - 10 What has your directorate specifically done for your Aboriginal and Torres Strait Islander staff to provide access to peer support, mentoring and coaching?
  - 11 Does your directorate have a specific Aboriginal and Torres Strait Islander Staff Network and if so, how does this group participate in relation to Aboriginal and Torres Strait Islander initiatives within your directorate?



- 12 Do you support your staff, and encourage your business units to allow for your Aboriginal and Torres Strait Islander staff to participate in the Murranga Murranga ACTPS Aboriginal and Torres Strait Islander Employee Network?
- 13 As Aboriginal and Torres Strait Islander Cultural Awareness is mandatory for each directorate, could you clarify for the ACT Aboriginal and Torres Strait Islander Elected Body on how many people have achieved this training in the last financial year, including if your director-general and senior executives are included in this process and undertaken the training?
- 14 If your director-general and senior executives haven't achieved this outcome, how will your directorate go about ensuring that this is achieved, especially in line with the ACT Aboriginal and Torres Strait Islander Whole-of-Government Agreement, directorate reconciliation action plans or within the directorate employment action plans?
- 1.5 In this report, each chapter is divided into sections, the headings of which correspond to each of the Elected Body's 14 generic questions as follows:
- Equitable access and increased impact (Generic question 1)
  - Implement ACT Aboriginal and Torres Strait Islander Whole-of-Government Agreement (the agreement) (Generic question 2)
  - Aboriginal and Torres Strait Islander organisations and community (Generic question 3)
  - Increased knowledge of the agreement amongst staff (Generic question 4)
  - Aboriginal and Torres Strait Islander staffing profile (Generic question 5)
  - Aboriginal and Torres Strait Islander leadership (Generic question 6)
  - Focused and effective services (Generic question 7)
  - Effective policy development and policy impact (Generic question 8)
  - Budget allocations to programs, services and clients (Generic question 9)
  - Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff (Generic question 10)
  - A specific Aboriginal and Torres Strait Islander staff network (Generic question 11)
  - Support for staff to participate in the Murranga Murranga Employee Network (Generic question 12)
  - Aboriginal and Torres Strait Islander cultural awareness training (Generic question 13)
  - Ensuring senior executives undergo cultural awareness training (Generic question 14)
- 1.6 The report considers, first, written answers by directorates provided in response to the Elected Body's generic questions. This is followed by an account of relevant matters raised in hearings.
- 1.7 At the end of each chapter there is a section titled 'Elected Body Comment' which puts forward the views and recommendations of the Elected Body in relation to the evidence considered in the body of the chapter.
- 1.8 Witnesses from each of the directorates are listed in Appendix A.
- 1.9 A summary of Questions Taken on Notice and Questions on Notice is presented in Appendix B.



## 2 FRAMEWORK

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### Introduction

- 2.1 The framework for the work of the Elected Body is set out in key documents, including:
- *United Nations Declaration on the Rights of Indigenous Peoples*
  - *Aboriginal and Torres Strait Islander Elected Body Act 2008 (ACT)*
  - *Human Rights Act 2004 (ACT)*
  - *Heritage Act 2004 (ACT)*
  - *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018*
  - *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*
  - other documents, agreements and reports, as listed.
- 2.2 These are considered below.

### ***United Nations Declaration on the Rights of Indigenous Peoples***

- 2.3 The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) asserts the rights of Indigenous peoples in 46 Articles.<sup>3</sup> Some of the articles assert rights consistent with other groups: that is, that the rights of Indigenous peoples should not be less than those of others by virtue of Indigenous status. Others assert rights of Indigenous peoples to maintain a distinctive presence and culture (such as in Articles 9 and 11) while retaining membership of the wider nation (Article 6). This second group of Articles largely asserts a right to self-determination (Articles 3 and 4), and cultural, religious, and political distinctiveness (Articles 11, 12 and 13, among others), the principle of which flows into rights asserted for Indigenous peoples to have their own 'educational systems and institutions' (Article 14), to have their culture acknowledged in the broader provision of education to others (Article 15), and to establish 'their own media in their own languages' (Article 16).
- 2.4 Other Articles include those which assert the right for Indigenous peoples not to be forcibly removed from their lands or territories (Article 10), and the right for Indigenous peoples to be consulted by governments and to be represented by their chosen representatives in those consultations (Articles 18, 19 and 23). Further articles assert the rights of Indigenous peoples over their cultural heritage and traditional knowledge (Article 31); assert the right of Indigenous peoples to access the international human rights law framework, including the Declaration, of which the Declaration is the foundation (Articles 34, 38 etc.), and to have access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes' (Article 40).

<sup>3</sup> *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), available at: [www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)



## ***Aboriginal and Torres Strait Islander Elected Body Act 2008***

- 2.5 The *Aboriginal and Torres Strait Islander Elected Body Act 2008* (ACT) creates the Elected Body, determines its membership and method of election, and sets out procedures for the Elected Body to conduct its business.
- 2.6 In greater detail, it sets out, among other things:
- the Objects of the Act, in s4
  - the Establishment and Functions of the ATSIEB, including s8 'Functions of ATSIEB', in Division 2.1, including provisions:
    - obliging the ATSIEB to consult with the United Ngunnawal Elders Council (UNEC) (s9)
    - empowering the ATSIEB to communicate with non-government entities in exercising its functions (s10)
    - obliging the ATSIEB to conduct community forums 'on areas of interest to Aboriginal and Torres Strait Islander people living in the ACT', 'at least twice each financial year' (s11), and to take 'reasonable steps' to tell Aboriginal and Torres Strait Islander people living in the ACT within a certain timeframe of the forums (s12), and
    - setting out the manner and form of community forums (s13)
  - provisions regarding 'ATSIEB members', in Division 2.2, including:
    - the number of members making up a full membership of the ATSIEB, and the period of their holding office (s14)
    - arrangements for the election of a Chair and Deputy Chair of the ATSIEB, due process where the position falls vacant, and length of term (ss 15 & 16)
    - resignations of members (ss 17 & 18), removal of members (s19); and leave for members (s20).
  - sets out a procedural and administrative framework for ATSIEB meetings, in Division 2.3, which must be held 'at least 6 times in a financial year' (s 21 (2)):
    - this includes 'Executive officer at ATSIEB meeting', which provides the statutory mechanism under which directors-general and other heads of government agencies appear before the ATSIEB in the hearings which are the subject of this report (s 26)
  - sets out a procedural and administrative framework for ATSIEB elections, in Division 2.3, including:
    - references to provisions in the *Electoral Act 1992* (ss 28 & 31 and also Schedule 1, 'Modifications of Electoral Act as applied to ATSIEB elections)
    - timelines for the electoral process for the ATSIEB (s 29)
    - the involvement of the ACT Electoral Commission, including an obligation on the Commission to 'tell electors and people entitled to be electors' about the ATSIEB election and related matters (s 30), and defining eligibility for persons standing as a candidate (s 30 (1)(b)) or voting in the ATSIEB elections (s 30 (1)(c)).



## **Human Rights Act 2004**

- 2.7 The *Human Rights Act 2004* gives statutory effect to provisions of the *International Charter for Civil and Political Rights*, as set out in Schedule 1 of the Act.<sup>4</sup>
- 2.8 Schedule 2 of the Act indicates that s 27A of the Act, providing a right to education, gives statutory effect to a provision of the International Convention on Economic, Social and Cultural Rights.<sup>5</sup>
- 2.9 The Act sets out provisions for Civil and Political rights in Part 3, which includes assertions of the rights to: equality before the law; life; protection from torture; and privacy and reputation, and other rights (Sections 8, 9, 10 and 11 respectively and following).
- 2.10 The Act sets out limits on human rights in Part 3B and, in Part 4, provides direction on the interpretation of laws in light of the *Human Rights Act*.
- 2.11 In Part 5, the Act provides that the Attorney-General must prepare a written statement for each Bill, advising whether the Bill is or is not consistent with the Act (Section 37).
- 2.12 Part 5 also provides that 'the relevant standing committee' of the Legislative Assembly (in this Assembly, the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)) must consider, for all new Bills, whether Bills are consistent with the Act (Section 38).
- 2.13 Part 5A of the Act indicates that obligations created by the Act are binding on public authorities. In this part, the Act also provides mechanisms for instances where laws of the Territory are found to be in conflict with the *Human Rights Act* (Section 40C).

### **Specific provision for Aboriginal and Torres Strait Islander peoples**

- 2.14 The seventh item of the Preamble to the Act makes specific reference to Aboriginal and Torres Strait Islander peoples. It states:
- Although human rights belong to all individuals, they have special significance for Aboriginal and Torres Strait Islander peoples—the first owners of this land, members of its most enduring cultures, and individuals for whom the issue of rights protection has great and continuing importance.<sup>6</sup>
- 2.15 Section 27 of the Act provides for the 'Cultural and other rights of Aboriginal and Torres Strait Islander peoples and other minorities'. It states:
- Anyone who belongs to an ethnic, religious or linguistic minority must not be denied the right, with other members of the minority, to enjoy his or her culture, to declare and practise his or her religion, or to use his or her language.<sup>7</sup>

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

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

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

7 *Human Rights Act 2004*, Section 27.



2.16 Section 27 (2) provides that:

- (2) Aboriginal and Torres Strait Islander peoples hold distinct cultural rights and must not be denied the right—
  - (a) to maintain, control, protect and develop their—
    - (i) cultural heritage and distinctive spiritual practices, observances, beliefs and teachings
    - (ii) languages and knowledge
    - (iii) kinship ties
  - (b) to have their material and economic relationships with the land and waters and other resources with which they have a connection under traditional laws and customs recognised and valued.<sup>8</sup>

### ***Heritage Act 2004***

2.17 The *Heritage Act 2004* (ACT) has significance for the Aboriginal and Torres Strait Islander peoples of the ACT in that it provides specific protection for Aboriginal objects and places (in Part 8) , and requires consultation with representative Aboriginal organisations (RAOs) before certain actions can be taken (see Sections 14 and 31).

2.18 The objects of the *Heritage Act 2004* (ACT) are set out in Section 3 as follows:

- (a) to establish a system for the recognition, registration and conservation of the following:
  - (i) places and objects that have natural heritage significance
  - (ii) places and objects that have cultural heritage significance
  - (iii) Aboriginal places and objects
- (b) to establish the heritage council
- (c) to provide for heritage agreements to encourage the conservation of heritage places and objects
- (d) to establish enforcement and offence provisions to provide greater protection for heritage places and objects
- (e) to provide a system integrated with land planning and development to consider development applications having regard to the heritage significance of places and heritage guidelines. The *Heritage Act 2004* (ACT) sets out a number of provisions relevant to Aboriginal and Torres Strait Islander peoples in the ACT.<sup>9</sup>

2.19 Sections of the Act which make specific reference to Aboriginal and Torres Strait Islander peoples and heritage include those which:

- define the terms 'Aboriginal object', 'Aboriginal place', and 'Aboriginal tradition' (Section 9)
- provide that a 'representative Aboriginal organisation' is an 'interested person' under the Act (Section 13)
- define 'representative Aboriginal organisation' (Section 14)

<sup>8</sup> Human Rights Amendment Bill 2015, Clause 7. A note to Clause 7 states that 'The primary source of the rights in s (2) is the *United Nations Declaration on the Rights of Indigenous Peoples*, art 25 and art 31.'

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



- provide that the Heritage Council created under the Act must 'consult each representative Aboriginal organisation about an Aboriginal place or an Aboriginal object before making a decision about registration under division 6.1 (Provisional registration) for the place or object (Section 31)
- require that representative Aboriginal organisations be consulted:
  - in connection with any proposal to remove an Aboriginal place or object from the Heritage Register — that is, a 'cancellation proposal' — (Section 45)
  - when 'Assessing heritage significance of reported Aboriginal places and objects' (Section 53)
  - before the relevant Minister declares 'a place to be a repository for Aboriginal objects' (Section 53B).

## ***ACT Aboriginal and Torres Strait Islander Agreement 2015–2018***

### **Introduction**

2.20 The *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* is the current ACT Aboriginal and Torres Strait Islander Agreement.<sup>10</sup>

2.21 The agreement comprises an interlocking framework of overriding principles; relationship principles; key focus areas, divided into 'quality life outcomes' and corresponding 'actions/initiatives'; strategic and community priorities of the Elected Body; and headline indicators.<sup>11</sup>

2.22 Regarding the interaction of these elements, the agreement states that:

The . . . Strategic Priorities, Community Priorities and Headline Indicators form a holistic and strategic response for all stakeholders to commit to. The Headline Indicators represent significant outcomes for the ACT Government, whilst the ACT Aboriginal and Torres Strait Islander Elected Body's Strategic Priorities and Community Priorities represent the Elected Body's commitment to the Aboriginal and Torres Strait Islander community. Together this will form the framework, which will guide the partnership response and provide a holistic structure to achieving equitable life outcomes for all Aboriginal and Torres Strait Islander Canberrans.<sup>12</sup>

2.23 The elements are considered below.

### **Overriding principles**

2.24 'Overriding principles' set out at the beginning of the agreement include, to be expressed in 'the development of individual action plans', are principles of:

- 1 Supporting the rights of Aboriginal and Torres Strait Islander peoples to freely determine their political status and to freely pursue their economic, social and cultural development in line with the right to self-determination.
- 2 Recognising the ongoing effects of trans-generational trauma, caused by past government policies, on members of the ACT Aboriginal and Torres Strait Islander community.

10 *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: [www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0009/717975/ACT-Govt-Agreement.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf)

11 *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (un-paginated), viewed 28 September 2017, available at: [www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0009/717975/ACT-Govt-Agreement.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf)

12 *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (un-paginated), viewed 28 September 2017, available at: [www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0009/717975/ACT-Govt-Agreement.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf)



- 3 Acknowledging and valuing the role of the traditional custodians, through the United Ngunnawal Elders Council, as the authority of culture and heritage.
- 4 Recognising that the local knowledge, expertise and contributions of the Aboriginal and Torres Strait Islander community, service providers, ACT Aboriginal and Torres Strait Islander Elected Body and the ACT Government are required to meet the diverse needs of the community in a holistic and culturally appropriate way.
- 5 Having a mutual obligation to address issues of structural disadvantage within the local Aboriginal and Torres Strait Islander community, service providers and the ACT Government in a collaborative, inclusive and transparent manner.
- 6 Forming and strengthening partnerships and work with individuals, groups, community stakeholders, ACT Government and business to build shared understanding and experience with the local Aboriginal and Torres Strait Islander community.
- 7 Accountability to the local Aboriginal and Torres Strait Islander community, through the Aboriginal and Torres Strait Islander Elected Body to provide accessible and equitable services that promote the fair distribution of economic resources by aiming to improve the social, environmental, economic and cultural infrastructure of their local community.
- 8 Acknowledging the responsibility to provide opportunities of life-long learning that develop the health, wellbeing and connection of Aboriginal and Torres Strait Islander people and their families, through formal and informal pathways in education, employment and self-development.<sup>13</sup>

### **Relationship principles**

- 2.25 The relationship principles are, in brief:
- 1 Respectful interaction with the community
  - 2 Work with different communities differently
  - 3 Increase value for the community
  - 4 Continuously improve the level of service delivered to Aboriginal and Torres Strait Islander communities
  - 5 Enable information sharing and interaction across the ACT Government and service partners.<sup>14</sup>

<sup>13</sup> *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: [www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0009/717975/ACT-Govt-Agreement.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf)

<sup>14</sup> *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: [www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0009/717975/ACT-Govt-Agreement.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf)



## Quality of life outcomes

- 2.26 The key focus areas comprise 'seven quality of life outcomes' and corresponding entries for 'actions/ initiatives', as follows:
- The quality of life outcome 'Community members celebrate Aboriginal and Torres Strait Islander cultures' and the corresponding entry for 'actions/ initiatives', entitled 'ACT Government Directorates', which reads: 'All directorates will support and participate in community events that celebrate Aboriginal and Torres Strait Islander cultural identities'.
  - The quality of life outcome 'Focused and effective services for Aboriginal and Torres Strait Islander peoples in the ACT' and the corresponding entry for 'actions/ initiatives', entitled 'Supporting Our Community Cluster', which reads: 'Service directorates and service partners will collaborate to provide culturally appropriate holistic service delivery through strategies and programs such as the Strengthening Families Project, Throughcare and Human Services Better Services Initiative'.
  - The quality of life outcome 'Improved family and community safety, and families' and communities' perceptions of feeling safe' and the corresponding entry for 'actions/initiatives', entitled 'Strengthening Governance, Promoting Opportunities Cluster', which reads: 'Directorates will embed prevention and early intervention and diversionary approaches into law and justice responses, and family and child support services'
  - The quality of life outcome 'Aboriginal and Torres Strait Islander community members are connected to strong family, social and support networks' and the corresponding entry for 'actions/initiatives', entitled 'Community Organisation and Services', which reads: 'Community organisations and services which are contracted to provide services on behalf of the ACT Government will incorporate Aboriginal and Torres Strait Islander outcomes into their service funding agreements'.
  - The quality of life outcome 'Aboriginal and Torres Strait Islander people are fully engaged in life-long learning and positive generational experiences' and the corresponding entry for 'actions/initiatives', entitled 'Supporting Our Community Cluster', which reads: 'Service directorates and service partners will support community members and families to navigate avenues for education and real skill development'.
  - The quality of life outcome 'Increased employment and private enterprise for Aboriginal and Torres Strait Islander peoples in the ACT' and the corresponding entry for 'actions/initiatives', entitled 'Strengthening Governance, Promoting Opportunities Cluster', which reads: 'Develop pathways to equal employment for Aboriginal and Torres Strait Islander peoples including developing mentoring and leadership programs to achieve better outcomes in employment. Increased opportunities for Aboriginal and Torres Strait Islander peoples to move towards economic independence'.
  - The quality of life outcome 'Empowering people, creating confidence and self-esteem' and the corresponding entry for 'actions/initiatives', entitled 'Aboriginal and Torres Strait Islander Elected Body', which reads: 'Support and facilitate the development of youth representation and leadership, broaden support for all community leaders and facilitate the ATSIEB leaders' and CEO forums'.<sup>15</sup>

<sup>15</sup> ACT Aboriginal and Torres Strait Islander Agreement 2015–2018 (2015), (unpaginated), viewed 28 September 2017, available at: [www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0009/717975/ACT-Govt-Agreement.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf)



## Strategic Priorities

2.27 The Elected Body's Strategic Priorities for 2012–17 are, in brief:

- **Priority 1** Communication and Engagement
- **Priority 2** Representation and Advocacy
- **Priority 3** Focused Policy and Services
- **Priority 4** Capability and Leadership Building.<sup>16</sup>

## Community Priorities

2.28 Each of the Elected Body's 'Community Priorities' for 2014–17 aligns with one or more of its Strategic Priorities for 2012–17. These focus on:

- health
- schooling and early childhood
- safe communities
- governance and leadership
- economic participation
- healthy homes.<sup>17</sup>

## Headline Indicators

2.29 'Headline Indicators' in the agreement reference items in other strategies, action plans and partnership documents, as follows:

- The first Headline Indicator references the *ACT Multicultural Strategy 2010–13*, still in force at this time, and reads: 'Provide opportunities to showcase, celebrate and increase community understanding about the cultural diversity of Canberra'.
- The second Headline Indicator references the *ACT Aboriginal and Torres Strait Islander Tobacco Control Strategy Action Plan*, and reads: 'Action Area 1 — A multi-component smoking cessation and reduction program based on an outreach model that prioritises family, social and workplace networks'.
- The third Headline Indicator references the *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–2018* and reads: '90 per cent or more of Aboriginal and Torres Strait Islander sentenced offenders released from the Alexander Maconochie Centre entering the Throughcare program by 2017 (2014–15: 80 per cent, 2015–16: 85 per cent and 2016–17: 90 per cent)
- The fourth Headline Indicator references the *Out of Home Care Strategy 2015-2020* and reads: 'Reduce the re-substantiation rate for Aboriginal and Torres Strait Islander children in care and the number of Aboriginal and Torres Strait Islander children coming into care'.
- The fifth Headline Indicator references *Education Capital: Leading the Nation Strategic Plan 2014–17*, and reads: 'Increase the Year 12 completion rate of Aboriginal and Torres Strait Islander students and the higher level qualification (Certificate III and above) commencements by Aboriginal and Torres Strait Islanders'.

<sup>16</sup> *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: [www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0009/717975/ACT-Govt-Agreement.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf)

<sup>17</sup> *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: [www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0009/717975/ACT-Govt-Agreement.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf)



- The sixth Headline Indicator references *Growth, Diversification and Jobs: A Business Development Strategy for the ACT* and reads: 'In conjunction with the Elected Body, support for Indigenous enterprise development will be established to assist Aboriginal and Torres Strait Islander people to start or grow their own businesses, and to develop business acumen and business confidence'.<sup>18</sup>

## **ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18**

- 2.30 The *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–2018* sets out three overarching objectives; four targets; an action plan which shows actions toward achieving the targets; a section on 'context', presenting data on contact between Aboriginal and Torres Strait Islander people and the criminal justice system; and a section itemising 'key strategies that link with the agreement', both 'national and local'.<sup>19</sup>
- 2.31 The three objectives of the Partnership are:
- reducing over-representation by
    - reducing recidivism
    - increasing access to diversionary programs
  - improving access to justice services
  - improving data collection and reporting.<sup>20</sup>
- 2.32 The four targets set out in the Partnership are:
- 'Reducing recidivism and increasing access to diversionary programs'
  - 'Improve access to justice related services for Aboriginal and Torres Strait Islander people'
  - 'Improve data collection and reporting'
  - 'Reporting and Evaluation'.<sup>21</sup>
- 2.33 The fourth target largely centres on 'reporting and evaluation' of the Partnership. At this point the Partnership also discusses Justice Reinvestment and justice reform.<sup>22</sup>
- 2.34 The Action Plan for the Partnership sets out actions, measures and lead agencies for items under each of the first three targets of the Partnership.<sup>23</sup>
- 2.35 The section on 'context' presents data on:
- Australian Aboriginal and Torres Strait Islander population as at 2011<sup>24</sup>
  - trends in imprisonment for Aboriginal and Torres Strait Islander people in Australia 1993–2011,<sup>25</sup> and indicates the relative likelihood of imprisonment for Indigenous and non-Indigenous Australians<sup>26</sup>

18 *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (2015), (unpaginated), viewed 28 September 2017, available at: [www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0009/717975/ACT-Govt-Agreement.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0009/717975/ACT-Govt-Agreement.pdf)

19 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18* (2015), viewed 28 September 2017, available at: [https://cdn.justice.act.gov.au/resources/uploads/JACS/PDF/ACT\\_JACS\\_ATSIEB\\_Justice\\_Agreement\\_15-18.pdf](https://cdn.justice.act.gov.au/resources/uploads/JACS/PDF/ACT_JACS_ATSIEB_Justice_Agreement_15-18.pdf)

20 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.3.

21 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, pp.3–6.

22 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.6.

23 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, pp.10–16.

24 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.19.

25 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.19.

26 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.20.



- a 'data snapshot' on Aboriginal and Torres Strait Islander contacts with the criminal justice system, including imprisonment and cautions, for the September–December 2013 quarter<sup>27</sup>
- 'total apprehensions' for Aboriginal and Torres Strait Islander people in the ACT for the 12 months to December 2013<sup>28</sup>
- 'Arrests and Cautions' for Aboriginal and Torres Strait Islander people in the ACT for the five years to December 2013<sup>29</sup>
- data on Aboriginal and Torres Strait Islander people as victims of crime relative to non-Indigenous people in Australia.<sup>30</sup>

2.36 The section in the Partnership on 'Key strategies that link with the agreement' references:

- National Indigenous Law and Justice Framework<sup>31</sup>
- *Overcoming Indigenous Disadvantage Report 2012*<sup>32</sup>
- *National Plan to reduce violence against women and their children 2010–2022*<sup>33</sup>
- *ACT Prevention of Violence against women and children strategy 2011–2017*<sup>34</sup>
- Royal Commission Into Aboriginal Deaths In Custody<sup>35</sup>
- *ACT Whole-of-Government Aboriginal And Torres Strait Islander Agreement*<sup>36</sup>
- *ACT Blueprint for Youth Justice*<sup>37</sup>
- *ACT Out Of Home Care Strategy*<sup>38</sup>
- *ACT Aboriginal and Torres Strait Islander Health Plan*<sup>39</sup>
- *Circles of Support*, a report by the ACT Council of Social Services and the Aboriginal Justice Centre in 2008 which led to the original *Aboriginal and Torres Strait Islander Justice Agreement 2010–13*, the precursor to the present Partnership.<sup>40</sup>

27 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.20.

28 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.21.

29 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.22.

30 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.22.

31 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.24.

32 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18* ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18, p.25.

33 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, pp.25–26.

34 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.27.

35 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, pp.27–28.

36 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.28.

37 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, pp.28–29.

38 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.29.

39 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.29.

40 *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*, p.29, referencing ACTCOSS and the Aboriginal Justice Centre, *Circles of Support: Towards Indigenous Justice—Prevention, Diversion and Rehabilitation*, July 2008.



## Other documents, agreements and reports

- 2.37 Other relevant documents, agreements and reports include:
- the *Employment Strategy for Aboriginal and Torres Strait Islander People, ACT Commissioner for Public Administration 2011–2015*<sup>41</sup>
  - *Final Issues Paper – Review of the Aboriginal and Torres Strait Islander Elected Body Act*<sup>42</sup>
  - *Reconciliation Action Plans (RAPs)* for each ACT Government directorate or agency. Reconciliation Action Plans are formulated under the auspices of Reconciliation Australia
  - *National Partnership Agreement on Indigenous Economic Participation (2009)*<sup>43</sup>
  - *Implementation Plan for National Partnership Agreement on Indigenous Economic Participation between the Commonwealth of Australia and the Australian Capital Territory*<sup>44</sup>
  - *2014 Indigenous Expenditure Report*, Productivity Commission<sup>45</sup>
  - *Overcoming Indigenous Disadvantage: Key Indicators 2016*, Productivity Commission.<sup>46</sup>

## Elected Body comment

- 2.38 The Elected Body notes the framework of legislative provisions and agreement documents which create a framework for constructive effort toward better outcomes for Aboriginal and Torres Strait Islander people in the ACT.
- 2.39 The Elected Body takes the view that these must be living documents, and not be allowed to gather dust. Rather, they mark a starting-point for practical and positive changes to the status of Aboriginal and Torres Strait Islander people, and require the continuing attention of both Aboriginal and Torres Strait Islander people and non-Indigenous people in the ACT if they are to live up to their promise.

41 *Employment Strategy for Aboriginal and Torres Strait Islander People, Commissioner for Public Administration 2011–2015*, available at: [www.cmd.act.gov.au/\\_\\_data/assets/pdf\\_file/0007/202894/atsistrategy.pdf](http://www.cmd.act.gov.au/__data/assets/pdf_file/0007/202894/atsistrategy.pdf)

42 *Final Issues Paper – Review of the Aboriginal and Torres Strait Islander Elected Body Act*, available at: [www.timetotalk.act.gov.au/storage/Final%20Issues%20Paper%20-%20Review%20of%20the%20Aboriginal%20and%20Torres%20Strait%20Islander%20Elected%20Body%20Act%202008.pdf](http://www.timetotalk.act.gov.au/storage/Final%20Issues%20Paper%20-%20Review%20of%20the%20Aboriginal%20and%20Torres%20Strait%20Islander%20Elected%20Body%20Act%202008.pdf)

43 *National Partnership Agreement on Indigenous Economic Participation (2009)*, available at: [www.federalfinancialrelations.gov.au/content/npa/skills/economic\\_participation/national\\_partnership.pdf](http://www.federalfinancialrelations.gov.au/content/npa/skills/economic_participation/national_partnership.pdf) (to be read in conjunction with the Intergovernmental Agreement on Federal Financial Relations, [www.federalfinancialrelations.gov.au/content/intergovernmental\\_agreements/IGA\\_federal\\_financial\\_relations\\_aug11.pdf](http://www.federalfinancialrelations.gov.au/content/intergovernmental_agreements/IGA_federal_financial_relations_aug11.pdf))

44 *Implementation Plan for National Partnership Agreement on Indigenous Economic Participation between the Commonwealth of Australia and the Australian Capital Territory*, available at: [www.federalfinancialrelations.gov.au/content/npa/skills/economic\\_participation/ACT\\_IP.pdf](http://www.federalfinancialrelations.gov.au/content/npa/skills/economic_participation/ACT_IP.pdf)

45 *2014 Indigenous Expenditure Report, Productivity Commission*, available at: [www.pc.gov.au/research/ongoing/indigenous-expenditure-report/indigenous-expenditure-report-2014/indigenous-expenditure-report-2014.pdf](http://www.pc.gov.au/research/ongoing/indigenous-expenditure-report/indigenous-expenditure-report-2014/indigenous-expenditure-report-2014.pdf)

46 *Overcoming Indigenous Disadvantage: Key Indicators 2016*, Productivity Commission, available at: [www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2016/report-documents/oid-2016-overcoming-indigenous-disadvantage-key-indicators-2016-report.pdf](http://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2016/report-documents/oid-2016-overcoming-indigenous-disadvantage-key-indicators-2016-report.pdf)

# 3 CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE



## Introduction

- 3.1 Officers of the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) appeared before the ATSIEB in hearings of 12 April 2017.
- 3.2 The directorate's responses to the Elected Body's generic questions, and to questions asked by the Elected Body in hearings, are considered below.

## Responses to generic questions

### 1 Equitable access and increased impact

- 3.3 The first generic question asked:

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

- 3.4 In its written response to this question, the directorate noted a number of actions, including:

- establishing a 'Whole-of-Government Indigenous Employment Traineeship Program', 'coordinated through the ACTPS Inclusion Team based within CMTEDD'<sup>47</sup>
- improving 'participation and equity by appointing Aboriginal and Torres Strait Islander peers' to artsACT grants assessment panels<sup>48</sup>
- re-focusing changes the 2017 ACT Residency Program so that it would 'focus on Aboriginal and Torres Strait Islander artists', supporting them in making 'connections with the local arts community'<sup>49</sup>
- conducting 'two significant projects' at the National Arboretum to help 'build relationships with Aboriginal and Torres Strait Islander organisations and the community'<sup>50</sup>
- delivery of 'the ACT Aboriginal and Torres Strait Islander Business Development and Entrepreneurship Support Model' by Innovate Canberra 'in response to identified gaps in the delivery of current business support programs for local Aboriginal and Torres Strait Islander businesses'<sup>51</sup>
- creation of 'participation opportunities for Aboriginal and Torres Strait Islander businesses in ACT Government contracts', on the part of Procurement and Capital Works, by 'listing local businesses that are registered with Supply Nation's Indigenous Business Direct on the PCW website', and 'in the Procurement section of the government intranet'<sup>52</sup>
- funding of relevant positions 'to improve outcomes for Aboriginal and Torres Strait Islander people', on the part of Active Canberra.<sup>53</sup>

47 CMTEDD response to ATSIEB generic questions, August 2017, p.2.

48 CMTEDD response to ATSIEB generic questions, August 2017, p.2.

49 CMTEDD response to ATSIEB generic questions, August 2017, p.2.

50 CMTEDD response to ATSIEB generic questions, August 2017, p.2.

51 CMTEDD response to ATSIEB generic questions, August 2017, pp.2-3.

52 CMTEDD response to ATSIEB generic questions, August 2017, p.3.

53 CMTEDD response to ATSIEB generic questions, August 2017, pp.3-4.



## 2 Implement ACT Aboriginal and Torres Strait Islander Agreement

3.5 The second generic question asked:

Since the inception of the ACT Aboriginal and Torres Strait Islander Agreement, can you please advise how your directorate is implementing this as part of your core business?

3.6 In its written response to this question, the directorate noted various actions, grouping them by the sub-agency responsible for implementation.

3.7 In relation to the work of the Workforce Capability and Governance Division, the response noted:

- support for the Head of Service ‘to implement employment strategies...to employ a minimum of 407 Aboriginal and Torres Strait Islander us people by 2018–19’<sup>54</sup>
- support for the Inclusion Indigenous Traineeship which, the response stated, provided ‘full-time permanent employment at the successful completion’<sup>55</sup>
- support for the ACTPS Graduate Program, in which ‘front-end support is provided to Aboriginal and Torres Strait Islander people to allow those people to complete on merit in a mainstream program’<sup>56</sup>
- provision of ‘better resources for executives, managers and supervisors to be involved in, and consider employment of Aboriginal and Torres Strait Islander people’<sup>57</sup>
- provision of ‘of training through Inclusion Employment Programs for panel and selection members, staff, managers and supervisors involved with Inclusion employment programs’.<sup>58</sup>

3.8 In relation to the work of Cultural Canberra, the response noted work under the 2015 ACT Arts Policy which, according to the response, recognised:

opportunities for increased engagement with the Aboriginal and Torres Strait Islander community and to support of Aboriginal and Torres Strait Islander artists, and the role Aboriginal and Torres Strait Islander arts and culture within the Canberra community.<sup>59</sup>

3.9 In relation to the work done by Innovate Canberra, the response noted support provided to ‘initiatives under the agreement to increase opportunities for Aboriginal and Torres Strait Islander peoples to move towards economic independence’.<sup>60</sup>

3.10 The response also advised that Active Canberra had:

- consulted with Indigenous service providers in the development of the ISGP (the Indigenous Sports Grants Program)
- engaged a member of the local Indigenous community to be part of the ISPP (Indigenous Sports Partnered Programs) assessment panel
- worked in collaboration with the Elected Body and the IAS (Indigenous Advancement Strategy) to return Boomanulla Oval to sustainable Indigenous management.<sup>61</sup>

54 CMTEDD response to ATSIEB generic questions, August 2017, p.4.

55 CMTEDD response to ATSIEB generic questions, August 2017, p.5.

56 CMTEDD response to ATSIEB generic questions, August 2017, p.5.

57 CMTEDD response to ATSIEB generic questions, August 2017, p.5.

58 CMTEDD response to ATSIEB generic questions, August 2017, p.5.

59 CMTEDD response to ATSIEB generic questions, August 2017, p.5.

60 CMTEDD response to ATSIEB generic questions, August 2017, p.5.

61 CMTEDD response to ATSIEB generic questions, August 2017, p.6.



### **3 Aboriginal and Torres Strait Islander organisations and community**

3.11 The third generic question asked:

Can you also indicate how you are implementing the agreement through relationships with Aboriginal and Torres Strait Islander organisations and community generally?

3.12 The directorate in its written response stated, among other things, that:

'The inclusion team [in Workplace Capability and Governance had] been working with the community, the ACTPS Indigenous Network (Murranga Murranga) and with Indigenous Employment agencies such as Habitat Personnel, Australian Training Company and ILC (Indigenous Leadership Centre) in the promotion of employment and working within the ACTPS'.<sup>62</sup>

It also stated that:

Innovate Canberra had provided 'an ongoing role in facilitating connections between local Aboriginal and Torres Strait Islander businesses and business organisations to provide opportunities for business development and growth', and had 'provided financial sponsorship for the NAIDOC Business of the Year Award at the annual ACT NAIDOC Awards'.<sup>63</sup>

### **4 Increased knowledge of the agreement amongst staff**

3.13 The fourth generic question asked:

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

3.14 The directorate in its written response stated, among other things, that the Head of Service had initiated 'an ongoing reporting and monitoring system across the Directors-general network'. The Head of Service had also inserted 'individual directorate targets into Director's-General Performance Agreements', thus 'strengthening the accountability of senior executives'.<sup>64</sup>

3.15 The response also indicated other relevant actions which it said had been taken by Cultural Canberra; artsACT; the National Arboretum; Innovate Canberra; and Active Canberra.<sup>65</sup>

### **5 Aboriginal and Torres Strait Islander staffing profile**

3.16 The fifth generic question asked:

Can you provide an update on your Aboriginal and Torres Strait Islander staffing profile?

3.17 CMTEDD in its written response provided<sup>66</sup> the following information:

<sup>62</sup> CMTEDD response to ATSIEB generic questions, August 2017, p.7.

<sup>63</sup> CMTEDD response to ATSIEB generic questions, August 2017, p.7.

<sup>64</sup> CMTEDD response to ATSIEB generic questions, August 2017, p.7.

<sup>65</sup> CMTEDD response to ATSIEB generic questions, August 2017, pp.7–8.

<sup>66</sup> CMTEDD response to ATSIEB generic questions, August 2017, p.9.



Classification	No.	
<b>Administrative stream</b>	Indigenous trainee	1
	Administrative Services Officer – Class 2	1
	Administrative Services Officer – Class 3	2
	Administrative Services Officer – Class 4	4
	Administrative Services Officer – Class 5	1
	Administrative Services Officer – Class 6	2
	Senior Officer – Grade C	4
	Senior Officer – Grade B	5
	Senior Officer – Grade A	1
	Contract Executive	1
<b>Technical stream</b>	Technical Officer 4	1
<b>Information Technology stream</b>	Information Communications Technology trainee	1
	Information Technology Officer Class 1	1
	Senior Information Technology Officer Grade C	1
<b>Other professionals</b>	Public Affairs Officer 1	1
	Professional Officer Class 2	1
	Work Cover Officer 6	1
	Infrastructure Officer 5	1
<b>Total</b>		<b>31</b>

3.18 It also responded to the question ‘How are you increasing Aboriginal and Torres Strait Islander representation?’

3.19 In so doing, the directorate stated that:

- ‘an ACTPS Career Retention and Satisfaction Program’ would be ‘coordinated in 2016–17... for approx 40 Indigenous staff at the ASO and SOG level to help support and develop Individuals in their career with the aim of increasing advancement and retention of Indigenous Employees’<sup>67</sup>
- performance agreements for ‘Executives who report directly to the Director-General’ would ‘include assessment on achievement of diversity targets’<sup>68</sup>
- there was a ‘Workforce Diversity Strategy’ in place<sup>69</sup>
- there were ‘CMTEDD identified positions’ for Aboriginal and Torres Strait Islander people within the ACTPS Graduate Program<sup>70</sup>
- ‘Managers’ workshops’ would be conducted ‘to improve understanding of how to recruit a diverse workforce’<sup>71</sup>
- there was continuing work ‘on the development of the directorate’s reconciliation action plan (RAP)’, which was expected to be ‘finalised in the second quarter of 2017’<sup>72</sup>
- the directorate was taking part in ‘the Whole-of-Government Indigenous Traineeship Program’.<sup>73</sup>

67 CMTEDD response to ATSIEB generic questions, August 2017, p.10.

68 CMTEDD response to ATSIEB generic questions, August 2017, p.10.

69 CMTEDD response to ATSIEB generic questions, August 2017, p.10.

70 CMTEDD response to ATSIEB generic questions, August 2017, p.10.

71 CMTEDD response to ATSIEB generic questions, August 2017, p.10.

72 CMTEDD response to ATSIEB generic questions, August 2017, p.10.

73 CMTEDD response to ATSIEB generic questions, August 2017, p.10.



## 6 Aboriginal and Torres Strait Islander leadership

3.20 The sixth generic question was:

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

3.21 In relation to this question, the directorate in its written response stated, among other things, that:

- there had been work done toward a proposal for a 'Aboriginal and Torres Strait Islander-specific Executive Development Program aimed at staff at the senior officer level' and 'inviting high-performing Aboriginal and Torres Strait Islander senior officers to attend existing executive development seminars'<sup>74</sup>
- there had been work done to increase retention rates of Aboriginal and Torres Strait Islander staff through the ACTPS 'Career Retention and Satisfaction Program'<sup>75</sup> and that
- there had been work done toward the establishment of a 'Workforce Diversity Strategy', which included 'the investigation and implementation of Indigenous leadership professional development opportunities'.<sup>76</sup>

## 7 Focused and effective services

3.22 The seventh generic question was:

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

3.23 In responding, the directorate in its written response stated, among other things, that:

- there had been efforts by artsACT 'to improve services to the Aboriginal and Torres Strait Islander artists and community through its current consultation . . . through the online grants assessment system to collect some data about participation through the ACT Art's Funds Project Round'<sup>77</sup>
- the support Innovate Canberra had 'provided to local Indigenous businesses' had been the subject of '[p]ositive feedback' which had been provided 'directly to CMTEDD executives from members of the Aboriginal and Torres Strait Islander business community and from Elected Body members'<sup>78</sup>
- Active Canberra had received '122 applications from 113 Aboriginal and Torres Strait Islander people' for project funding, of which '91 were successful'<sup>79</sup>
- Active Canberra had conducted an Expressions of Interest (EOI) process for 'the future management of Boomanulla Oval', held in March 2016, for which 'Winnunga [had] progressed to the second stage of the process and [had] been invited to respond to a Request for Tender released at the end of June 2016'.<sup>80</sup>

74 CMTEDD response to ATSIEB generic questions, August 2017, pp.10–11.

75 CMTEDD response to ATSIEB generic questions, August 2017, p.11.

76 CMTEDD response to ATSIEB generic questions, August 2017, p.11.

77 CMTEDD response to ATSIEB generic questions, August 2017, p.11.

78 CMTEDD response to ATSIEB generic questions, August 2017, p.11.

79 CMTEDD response to ATSIEB generic questions, August 2017, p.11.

80 CMTEDD response to ATSIEB generic questions, August 2017, p.11.



## 8 Effective policy development and policy impact

3.24 The eighth generic question was:

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

3.25 In its written response, the directorate stated, among other things, that current employment data, to be published in the ACTPS State of the Service Report, would 'indicate progress towards set employment targets'.<sup>81</sup>

3.26 It also stated that while Innovate Canberra was 'not responsible for policy development', the programs that had been delivered over the previous 18 months demonstrated 'a commitment to increasing opportunities for Aboriginal and Torres Strait Islanders to move towards economic independence'.<sup>82</sup>

## 9 Budget allocations to programs, services and clients

3.27 The ninth generic question was:

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

3.28 In its written response the directorate stated, among other things, that artsACT had 'allocated \$156,000 through the 2016–17 Budget for activities specifically supporting Aboriginal and Torres Strait Islander programs', including '\$100,000 of new one off funding from the 2016–17 ACT Budget and \$56,000 of funding for residencies' which had been targeted to Aboriginal and Torres Strait Islander artists.<sup>83</sup>

3.29 The response stated that these figures did not 'account for administration', and that since 'both of these initiatives [were] in their first year of implementation, the outcomes [had] not yet been measured'.<sup>84</sup>

3.30 The response also stated that further funding had been provided:

- in the sum of '\$99,000 (ex GST) in 2015–16 for the delivery of the Aboriginal and Torres Strait Islander Business Development and Entrepreneurship Support Model'<sup>85</sup>
- in the sum of '\$2,500 (ex GST) cash sponsorship of the ACT NAIDOC Business of the Year Award at the annual ACT NAIDOC Awards Ball'<sup>86</sup>
- in the sum, in 2016, of '\$8,270...allocated to projects that targeted Aboriginal and Torres Strait Islander people' through the 2016 IPFP (Inclusive Participation Funding Program), and \$14,845 through the 2015 IPFP.<sup>87</sup>

81 CMTEDD response to ATSIEB generic questions, August 2017, p.12.

82 CMTEDD response to ATSIEB generic questions, August 2017, p.12.

83 CMTEDD response to ATSIEB generic questions, August 2017, p.12.

84 CMTEDD response to ATSIEB generic questions, August 2017, p.12.

85 CMTEDD response to ATSIEB generic questions, August 2017, p.12.

86 CMTEDD response to ATSIEB generic questions, August 2017, p.12.

87 CMTEDD response to ATSIEB generic questions, August 2017, p.12.



## **10 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff**

3.31 The tenth generic question asked:

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

3.32 In its written response, the directorate stated, among other things, that:

- 'As part of the Inclusion Employment programs...the directorate [was] working and liaising with OATSIA and Murranga Murranga to establish Mentors to provide pastoral care, support and advice to both the participants and new employees involved in the Inclusion programs and the work areas involved'<sup>88</sup>
- 'CMTEDD [was] participating in the Whole-of-Government Indigenous Traineeship Program which includes a mentoring and support program'<sup>89</sup>
- the CMTEDD 'RAP [Reconciliation Action Plan] Working Group [consisted] of 25 staff including Aboriginal and Torres Strait Islander people [who had] collaborated to work together and provide each other peer support'.<sup>90</sup>

## **11 A specific Aboriginal and Torres Strait Islander Staff Network**

3.33 The eleventh generic question was:

Does your directorate have a specific Aboriginal and Torres Strait Islander Staff Network and if so, how does this group participate in relation to Aboriginal and Torres Strait Islander initiatives within your directorate?

3.34 The directorate in its written response stated, among other things, that while the directorate did not have a staff network, 'the Workforce Diversity Strategy [had] explored models for a CMTEDD Indigenous staff network', and that directorate staff were encouraged to attend the Murranga Murranga ACTPS Aboriginal and Torres Strait Islander Employee Network.<sup>91</sup>

## **12 Support for staff to participate in the Murranga Murranga Employee Network**

3.35 The twelfth generic question asked:

Do you support your staff, and encourage your business units to allow for your Aboriginal and Torres Strait Islander staff to participate in the Murranga Murranga ACTPS Aboriginal and Torres Strait Islander Employee Network?

3.36 The directorate in its written response stated, among other things, that:

Staff are supported to participate in Murranga Murranga ACTPS Aboriginal and Torres Strait Islander Employee Network, which is facilitated by the Community Services Directorate.<sup>92</sup>

88 CMTEDD response to ATSIEB generic questions, August 2017, p.13.

89 CMTEDD response to ATSIEB generic questions, August 2017, p.13.

90 CMTEDD response to ATSIEB generic questions, August 2017, p.13.

91 CMTEDD response to ATSIEB generic questions, August 2017, p.13.

92 CMTEDD response to ATSIEB generic questions, August 2017, p.13.



### 13 Aboriginal and Torres Strait Islander Cultural Awareness Training

3.37 The thirteenth generic question asked:

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

3.38 The directorate in its written response stated, among other things, that:

- 'All staff [were] invited to attend Aboriginal and Torres Strait Islander Cultural Awareness training'; that in the 2015–16 financial year '28 staff attended'; and that this included 'senior executive staff'<sup>93</sup>
- the directorate held 'workshops on "Recruiting for a diverse workforce" which includes aspects of cultural awareness', which '36 staff attended during 2015–16'<sup>94</sup>
- the directorate held, in December 2015, a Workforce Diversity Executive Seminar... which 'outlined the current status of diversity employment and sought support from Executives to reach the ACTPS Inclusion targets, including Indigenous employment'<sup>95</sup>
- artsACT had 'encouraged staff to participate in cultural awareness training with 50 per cent of staff attending training in the last year'<sup>96</sup>
- all seven Procurement and Capital Works senior executives had 'attended cultural awareness training'.<sup>97</sup>

### 14 Cultural training for Director-General and senior executives

3.39 The fourteenth generic question asked:

If your Director-General and senior executives haven't achieved this outcome, how will your directorate go about ensuring that this is achieved, especially in line with the ACT Aboriginal and Torres Strait Islander Whole-of-Government Agreement, directorate reconciliation action plans or within the directorate employment action plans?

3.40 In its written response, the directorate stated, among other things, that:

- it would 'continue to encourage staff to attend Aboriginal and Torres Strait Islander Cultural Awareness Training'<sup>98</sup>
- the ACTPS had 'several inclusion initiatives already in place that [involved] training and support for the areas involved with the programs and inclusion initiatives'<sup>99</sup>
- artsACT would 'ensure that cultural awareness training is included in the professional development plans of all staff that have not previously undergone training'.<sup>100</sup>

93 CMTEDD response to ATSIEB generic questions, August 2017, p.14.

94 CMTEDD response to ATSIEB generic questions, August 2017, p.14.

95 CMTEDD response to ATSIEB generic questions, August 2017, p.14.

96 CMTEDD response to ATSIEB generic questions, August 2017, p.14.

97 CMTEDD response to ATSIEB generic questions, August 2017, p.15.

98 CMTEDD response to ATSIEB generic questions, August 2017, p.15.

99 CMTEDD response to ATSIEB generic questions, August 2017, p.15.

100 CMTEDD response to ATSIEB generic questions, August 2017, p.15.



## Hearings

- 3.41 The Chief Minister, Treasurer and Economic Development Directorate appeared before the Elected Body in hearings of 12 April 2017.
- 3.42 Representatives of Chief Minister and Treasury appeared early in the hearings.<sup>101</sup> Representatives of the Economic Development portfolio area appeared in a further part of the hearings.<sup>102</sup> These two areas are dealt with separately below.

## Matters considered — Chief Minister and Treasury

- 3.43 Matters considered by the Elected Body over the course of the hearings, in relation to Chief Minister and Treasury, included:
- new programs and services implemented in the financial year<sup>103\*</sup>
  - graduate programs<sup>104\*</sup>
  - the Inclusion Employment Pathways program<sup>105</sup>
  - diversity targets<sup>106\*</sup>
  - staff training<sup>107</sup>
  - cross-directorate forums for Aboriginal and Torres Strait Islander staff<sup>108</sup>
  - whether it was possible for each directorate to develop a specific annual report on Indigenous programs<sup>109</sup>
  - whether Indigenous expenditure outlined in the ACT budget was sufficient to support the whole-of-government agreement.<sup>110\*</sup>

## Key issues — Chief Minister and Treasury

### New programs and services

- 3.44 In hearings of 12 April 2017 the Elected Body asked questions regarding new programs and services offered by the directorate in the financial year.<sup>111</sup>
- 3.45 In responding, the Deputy Director-General, Workforce Capability and Governance Division, told the Elected Body about 'employment initiatives across ACT Government', some of which were new and some of which the directorate was 'bedding down'.<sup>112</sup>

101 Aboriginal and Torres Strait Islander Elected Body (ATSIEB), *Proof Transcript*, 12 April 2017, pp.1–18.

102 ATSIEB, *Proof Transcript*, 12 April 2017, pp.19–38.

103 ATSIEB, *Proof Transcript*, 2 April 2017, pp.2–3. Starred items (\*\*) are dealt with in the section on 'Key issues' below.

104 ATSIEB, *Proof Transcript*, 12 April 2017, pp.5–6.

105 ATSIEB, *Proof Transcript*, 12 April 2017, pp.6–7.

106 ATSIEB, *Proof Transcript*, 12 April 2017, pp.7–8.

107 ATSIEB, *Proof Transcript*, 12 April 2017, pp.8–10.

108 ATSIEB, *Proof Transcript*, 12 April 2017, pp.10–11.

109 ATSIEB, *Proof Transcript*, 12 April 2017, pp.11–12.

110 ATSIEB, *Proof Transcript*, 12 April 2017, pp.14–17, 17–18.

111 ATSIEB, *Proof Transcript*, 12 April 2017, p.2.

112 Ms Bronwen Overton-Clarke, ATSIEB, *Proof Transcript*, 12 April 2017, p.2.



- 3.46 In relation to existing programs, the Deputy Director-General told the Elected Body that the directorate was 'continuing to use existing programs such as the graduate one to attract and retain new Aboriginal and Torres Strait Islander staff into ACT Government'.<sup>113</sup>
- 3.47 She told the Elected Body that the directorate had commenced a second tranche of the Aboriginal and Torres Strait Islander traineeship program, and that in the following month a 'new career development program across ACT Government' would begin.<sup>114</sup>
- 3.48 The Deputy Director-General noted interest in previous ATSIEB hearings on turnover and retention of Aboriginal and Torres Strait Islander staff in the ACT Public Service. The new program would address these matters by providing 'individual support for 40 staff initially, across the ACTPS', working 'with them to develop their careers, hopefully in ACT Government', and looking at 'the individualised support that they will need to help them progress their careers'.<sup>115</sup>
- 3.49 The Under-Treasurer also responded to the Elected Body's question regarding new programs and services, on behalf of Treasury.<sup>116</sup>
- 3.50 He told the Elected Body that Treasury did not 'run too many programs *per se*': rather, the main area of focus had been 'to try to lift input into the budget processes and resource allocation processes from the Aboriginal Indigenous community'.<sup>117</sup>
- 3.51 He told the Elected Body that Treasury had 'done that in a couple of ways'. The 'last budget' had been 'the first budget . . . where we had a particular focus on an Indigenous submission'. This had come 'through the budget cabinet process' and 'elevated a focus in budget cabinet on the particular needs', which he thought 'went very well'. It had been combined with a 'cross-portfolio submission as well for the first time', so that instead of 'disparate proposals coming forward, hidden across directorates, essentially we had a single submission that focused on Indigenous and Aboriginal Islander needs'.<sup>118</sup>
- 3.52 While judging the success of this was 'very difficult', he thought it important that this focus had been achieved, and stated that the directorate was 'looking to continue that in future budgets'.<sup>119</sup> He told the Elected Body that Treasury was:  
  
also looking to continue to lift the interaction we have and the access that the [Elected Body] and other stakeholder groups have in the budget process so that, essentially, we are in a position where we are hungry for input as to what the priorities are and how we can do things better.<sup>120</sup>
- 3.53 Regarding this, he told the Elected Body that Treasury was 'certainly putting a lot of effort into the broader budget consultation processes':  
  
We are trialling new techniques to get input from groups that do not necessarily want to sit down and write a traditional budget submission that goes for 30 pages. We are very interested in the board's comments and inputs on how we can do that for your community.<sup>121</sup>

113 Ms Bronwen Overton-Clarke, ATSIEB, *Proof Transcript*, 12 April 2017, p.2.

114 Ms Bronwen Overton-Clarke, ATSIEB, *Proof Transcript*, 12 April 2017, p.2.

115 Ms Bronwen Overton-Clarke, ATSIEB, *Proof Transcript*, 12 April 2017, p.2.

116 ATSIEB, *Proof Transcript*, 12 April 2017, p.2.

117 Mr David Nichol, ATSIEB, *Proof Transcript*, 12 April 2017, p.2.

118 Mr David Nichol, ATSIEB, *Proof Transcript*, 12 April 2017, pp.2–3.

119 Mr David Nichol, ATSIEB, *Proof Transcript*, 12 April 2017, p.3.

120 Mr David Nichol, ATSIEB, *Proof Transcript*, 12 April 2017, p.3.

121 Mr David Nichol, ATSIEB, *Proof Transcript*, 12 April 2017, p.3.



- 3.54 He told the Elected Body that this was an area on which he wanted place a focus for Treasury ‘in the near to medium-term’.<sup>122</sup>
- 3.55 In further discussion, the Under-Treasurer emphasised the importance of Treasury’s reliance on information from other entities — including directorates, the Elected Body and community groups — with regard to budgetary priorities. He also emphasised the importance of the Elected Body — and other entities — engaging with the budget process.<sup>123</sup>

### Graduate programs

- 3.56 In hearings of 12 April 2017 the Elected Body asked questions regarding graduate programs and Aboriginal and Torres Strait Islander people. In particular, it noted that in the previous round of ATSIEB hearings the Elected Body had been advised that while 52 graduates were to be employed across the ACT Public Service, only two were Aboriginal or Torres Strait Islander people. In light of this, the Elected Body asked what the ACT Government was doing to increase the number of Aboriginal and Torres Strait Islander graduates in the ACT Public Service.<sup>124</sup>
- 3.57 In responding, the Deputy Director-General, Workforce Capability and Governance Division, told the Elected Body that the directorate took care to make the ‘assessment process as broad as possible’. This was, however, ‘not just for Aboriginal and Torres Strait Islander people’: the directorate also encouraged ‘applications from a number of different groups, including people with disabilities’.<sup>125</sup>
- 3.58 The Director, Public Sector Management Branch, Workforce Capability and Governance Division, also responded to the question. She told the Elected Body that:

We are disappointed that the numbers have not been what we would have liked. We are examining, both at intake and attraction, the processes involved there. We have put a lot of effort into having an inclusion team who basically reach out to every applicant from an identified group in the graduate program. It is a personal interaction, asking questions around any reasonable adjustment that might be required of the applicant and doing things like cultural awareness training or, in one of the other identified groups, disability competence training for the selection panels prior to any interaction with the applicants.<sup>126</sup>

- 3.59 The Director went on to say that:

It is fair to say that we have not been successful in attracting a large cohort of Aboriginal and Torres Strait Islander graduate applicants. We have been working with OATSIA and also with the university sector to have more reach into the universities to encourage applications before we go out for application. That is acknowledging, of course, that we are competing with our colleagues up on the hill, particularly for the local graduates here in Canberra. It is a work in progress, and I would welcome any suggestions that members of the elected body would have. We do have targeted advertising. We do go to Aboriginal and Torres Strait Islander employment providers and raise awareness of when we are going out for applications. But it is fair to say that the numbers have not yet converted to what we would like.<sup>127</sup>

122 Mr David Nichol, ATSIEB, *Proof Transcript*, 12 April 2017, p.3.

123 Mr David Nichol, ATSIEB, *Proof Transcript*, 12 April 2017, pp.3–5.

124 *Proof Transcript*, 12 April 2017, p.5.

125 Ms Bronwen Overton-Clarke, *Proof Transcript*, 12 April 2017, p.5.

126 Ms Judi Childs, *Proof Transcript*, 12 April 2017, pp.5–6.

127 Ms Judi Childs, *Proof Transcript*, 12 April 2017, p.6.



## Diversity targets

3.60 In hearings of 12 April 2017 the Elected Body asked questions regarding diversity targets. In particular, it asked what the targets were; how Directors-General were held accountable in relation to those targets; and who held the Head of Service to account in relation to the targets.<sup>128</sup>

3.61 In responding, the Deputy Director-General, Workforce Capability and Governance Division, told the Elected Body that the targets were 'set and reset each financial year, because we take into account the machinery-of-government changes that happen', and were 'broken down across the directorates'.<sup>129</sup>

3.62 She told the Elected Body that the targets were:

part of the performance agreement in each director-general's performance agreement. The Head of Service meets with each director-general twice a year to talk through the performance agreement in general and in a specific way about any specific targets that are set. The Aboriginal and Torres Strait Islander employment targets are one of those.<sup>130</sup>

3.63 She told the Elected Body that:

In terms of how they are monitored, through our area we send out updates from the Head of Service to directors-general each quarter, so they are monitored against their annual target each quarter. The expectation is that directors-general end up cascading those targets down and across directorates. Having whole-of-government programs and new programs that different directorates partake in is one way of being able to achieve those targets. There is also an expectation that different directorates are using a whole range of mechanisms to attract and retain those staff. Certainly the monitoring is happening, as I said, each quarter. There are twice a year meetings with the Head of Service.<sup>131</sup>

3.64 The Deputy Director-General told the Elected Body that:

In terms of keeping people on track, the letter that we send out is to all directorates at one time so that each directorate can see how other directorates are meeting or not meeting their targets. While these were put in place because we were not meeting the original targets, we have now noticed a greater uptake of Aboriginal and Torres Strait Islander staff.<sup>132</sup>

3.65 She went on to say that 'on 30 June, from the state of the service report, we had 319 [Aboriginal and Torres Strait Islander] staff' and 'as at 30 March we had 351'. She said that while 'we have pushed the targets out' — that is, extended timelines for targets — 'we have a better rate of increase than we have had'. The Strategic Board — a meeting of directors-general — would soon meet for further discussion of the targets, 'and how we are meeting them'.<sup>133</sup>

3.66 At this point the Under-Treasurer also responded to the question. He told the Elected Body that if the Head of Service found that a Directorate was not meeting its targets, she would write to the Director-General in question. He put the view that having 'your boss say to you, "You are not meeting the targets we agreed", was 'a pretty substantial accountability mechanism'.<sup>134</sup>

128 ATSIIEB, *Proof Transcript*, 12 April 2017, p.7.

129 Ms Bronwen Overton-Clarke, *Proof Transcript*, 12 April 2017, p.7.

130 Ms Bronwen Overton-Clarke, *Proof Transcript*, 12 April 2017, pp.7–8.

131 Ms Bronwen Overton-Clarke, *Proof Transcript*, 12 April 2017, p.8.

132 Ms Bronwen Overton-Clarke, *Proof Transcript*, 12 April 2017, p.8.

133 Ms Bronwen Overton-Clarke, *Proof Transcript*, 12 April 2017, p.8.

134 Mr David Nicol, *Proof Transcript*, 12 April 2017, p.8.



- 3.67 He told the Elected Body that the efforts to achieve the targets were 'not a glib tick-the-box exercise', but represented a 'serious attempt by the service to implement these targets — which are challenging targets — for an increase' in numbers of Aboriginal and Torres Strait Islander staff.<sup>135</sup>
- 3.68 As to the question of to whom the Head of Service was accountable in relation to the targets, the Under-Treasurer told the Elected Body that he thought 'collectively the Strategic Board does', just as the Head of Service and:

the rest of my colleagues keep me accountable. And also it is ministers. Ministers keep us accountable, they expect us to deliver on this. There are questions asked of ministers on how we go, on a semi-regular basis.<sup>136</sup>

### Progress on the agreement

- 3.69 In hearings of 12 April 2017 the Elected Body asked questions regarding progress on the ACT Aboriginal and Torres Strait Islander Whole-of-Government Agreement. In particular, it asked what was being done to meet actions and targets provided for under the agreement.<sup>137</sup> The Elected Body expressed concern that the agreement still appeared to be 'at an implementation phrase', and that 'a lot of the objectives may not even be met within this whole-of-government agreement'. It asked what the ACT Government was doing 'to ensure that future budget bids adequately support the agreements, actions and initiatives' provided for under the agreement.<sup>138</sup>
- 3.70 In response, the Under-Treasurer provided an extensive description of the yearly budget process, most particularly of the ways in which objectives, priorities, and proposals were brought forward — and by whom — and considered within that process.<sup>139</sup>
- 3.71 He told the Elected Body that it was largely the responsibility of Ministers<sup>140</sup> and Directors-General<sup>141</sup> of the ACT Government to bring forward objectives, priorities and proposals to be considered by Budget Cabinet.
- 3.72 The Under-Treasurer, in hearings, also took this as a Question Taken on Notice and a written answer was subsequently provided.<sup>142</sup> The answer to the question was as follows:

*The ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (the agreement) has an Implementation Plan, which is overseen by the ACT Aboriginal and Torres Strait Islander Affairs Strategic Board Subcommittee (the subcommittee) chaired by the Director-General, Community Services Directorate.

In the 2016–17 Budget, for the first time, the ACT Government coordinated a whole-of-government budget bid for Aboriginal and Torres Strait Islander Affairs. This has resulted in increased ability across ACT Government to commit to achieving outcomes identified in the agreement.

The Subcommittee monitors the Implementation of the agreement on a quarterly basis.

A Whole-of-Government Outcomes Reporting Framework is currently being developed to measure the impact of the agreement on the lives of Aboriginal and Torres Strait Islander people in the ACT. The final outcomes framework document will be presented to the subcommittee in May 2017.

<sup>135</sup> Mr David Nicol, *Proof Transcript*, 12 April 2017, p.8.

<sup>136</sup> Mr David Nicol, *Proof Transcript*, 12 April 2017, p.8.

<sup>137</sup> ATSIAB, *Proof Transcript*, 12 April 2017, p.12.

<sup>138</sup> ATSIAB, *Proof Transcript*, 12 April 2017, p.13.

<sup>139</sup> Mr David Nicol, *Proof Transcript*, 12 April 2017, pp.14–17.

<sup>140</sup> Mr David Nicol, *Proof Transcript*, 12 April 2017, p.15.

<sup>141</sup> Mr David Nicol, *Proof Transcript*, 12 April 2017, p.14.

<sup>142</sup> Mr David Nicol, *Proof Transcript*, 12 April 2017, p.13.



A quarterly traffic light report card provides operational status updates for all Aboriginal and Torres Strait Islander specific initiatives identified in the implementation plan, including 2016–17 omnibus budget initiatives. The March 2017 report is currently being finalised covering 55 initiatives across the ACT.

Reporting through the outcomes reporting framework will replace the existing *ACT Closing the Gap Report* format.<sup>143</sup>

## Matters considered—Economic Development

3.73 Matters considered by the Elected Body over the course of the hearings, in relation to Economic Development, included:

- new programs and services<sup>144\*</sup>
- how programs are meeting the priorities for the agreement<sup>145</sup>
- Boomanulla Oval<sup>146\*</sup>
- sports grants<sup>147</sup>
- procurement<sup>148</sup>
- public art.<sup>149</sup>

## Key issues—Economic Development

### New programs and services

3.74 As for other agencies, the Elected Body commenced its questions to officers of Economic Development by asking about new programs and services.<sup>150</sup>

3.75 In this instance, these questions were answered with regard to programs and services under the responsibility of Cultural Canberra.

3.76 The ACT Government Directory states that Cultural Canberra consists of two components:

- Events ACT, which is responsible for 'coordinating, managing and delivering a range of events that are important to the city and the community'
- artsACT, which is responsible for 'developing and implementing government policies on the arts and delivering a wide range of arts initiatives and projects'.<sup>151</sup>

3.77 In responding to the Elected Body's question, the Director, Enterprise Canberra, Cultural Canberra, told the Elected Body, in connection with the work of artsACT, that:

143 Mr Michael De'Ath, Community Services Directorate, Response to Question Taken on Notice from hearings of 12 April 2017, signed 12 May 2017.

144 ATSIEB, *Proof Transcript*, 12 April 2017, pp.19–27. Starred items (\*\*) are dealt with in the section on 'Key issues' below.

145 ATSIEB, *Proof Transcript*, 12 April 2017, pp.27–29.

146 ATSIEB, *Proof Transcript*, 12 April 2017, pp.30–32.

147 ATSIEB, *Proof Transcript*, 12 April 2017, pp.33–34.

148 ATSIEB, *Proof Transcript*, 12 April 2017, pp.35–36.

149 ATSIEB, *Proof Transcript*, 12 April 2017, pp.36–38.

150 ATSIEB, *Proof Transcript*, 12 April 2017, p.19.

151 ACT Government Directory, viewed 16 August 2017, available at: [www.directory.act.gov.au/ccExternal\\_5.1/webdir/cgi-bin/webdua.cgi?ea2\\_\\_&organizationalUnit&ou%3DCULTURAL%20CANNBERRA%20Cou%3DENTERPRISE%20CANNBERRA%20Cou%3DCHIEF%20MINISTER%20Cou%3DCHIEF%20MINISTER%5C%2C%20TREASURY%20AND%20ECONOMIC%20DEVELOPMENT%20DIRECTORATE%20-%20CMTEDD%20Cou%3DACT%20GOVERNMENT%20DIRECTORATES%20Co%3DAustralian%20Capital%20Territory%2Cc%3DAU](http://www.directory.act.gov.au/ccExternal_5.1/webdir/cgi-bin/webdua.cgi?ea2__&organizationalUnit&ou%3DCULTURAL%20CANNBERRA%20Cou%3DENTERPRISE%20CANNBERRA%20Cou%3DCHIEF%20MINISTER%20Cou%3DCHIEF%20MINISTER%5C%2C%20TREASURY%20AND%20ECONOMIC%20DEVELOPMENT%20DIRECTORATE%20-%20CMTEDD%20Cou%3DACT%20GOVERNMENT%20DIRECTORATES%20Co%3DAustralian%20Capital%20Territory%2Cc%3DAU) The work and responsibilities of this part of the directorate is described in further detail in the *Chief Minister, Treasury and Economic Development Directorate's Annual Report 2015–16*, under Output 8.8, 'Arts Engagement', pp.75–78, viewed 16 August 2017, available at: [www.cmd.act.gov.au/\\_\\_\\_data/assets/pdf\\_file/0008/1015955/CMTEDD-Vol-1\\_FA.pdf](http://www.cmd.act.gov.au/___data/assets/pdf_file/0008/1015955/CMTEDD-Vol-1_FA.pdf)



At the last hearing we talked about the need to not just go into the community but actually engage with the community before we started doing more serious or more active work in the arts space. That is what we have been doing over the past 12 months—we have had a dedicated officer in our team engaging across the Aboriginal and Torres Strait Islander community. We have done that through a series of both face-to-face interviews through key organisations like the Yurauna Centre as well as an online survey. We have talked to quite a wide range of people, and we have a report that has been drafted on the basis of those consultations, with the consolidated feedback from what we have heard from the sector about the way forward.<sup>152</sup>

- 3.78 He told the Elected Body, among other things, that one of the features to emerge from this consultation was that there was a 'real interest in coming together not necessarily as a formally established network but on a more regular basis', with a focus on 'how it is we can better engage with that sector', and that this would be put to the relevant minister for consideration, as to 'the ways in which that can happen'.<sup>153</sup>
- 3.79 When asked about representation of Aboriginal and Torres Strait Islander artists on governance boards in the sector, the Director told the Elected Body that board members were appointed not 'on the basis of their representational capacity', but 'on the basis of their skills', and that 'artists who are funded within arts organisations' could not be board members because this would give rise to conflicts of interest.<sup>154</sup>
- 3.80 However, he told the Elected Body, there were 'variety of ways our organisations seek the views of artists':  
Some of those organisations have formally established artist subcommittees of their board or artist advisory committees. I am aware that one or two of those have Aboriginal and Torres Strait Islander people on them. I am not sure if they are Ngunnawal, but they are certainly practising artists in the ACT.<sup>155</sup>
- 3.81 He told the Elected Body that this was 'not something we have enforced', but was 'something we are strongly encouraging in terms of the relationship of those more mainstream organisations working with the different community groups'.<sup>156</sup>
- 3.82 This was not something that Cultural Canberra was 'not aware of... to begin with', so it 'did not understand the breadth of the networks out there', but now was 'strongly encouraging, in all of our conversations with those organisations, that they go out and establish their own networks with those groups'.<sup>157</sup>
- 3.83 Examples were 'young Aboriginal and Torres Strait Islander rappers' in West Belconnen, and an artists-in-residency program, 'where we bring artists from other parts of Australia to do a residency for a period of time in six of our organisations that can manage accommodation residency'.<sup>158</sup>
- 3.84 Regarding this, the Director told the Elected Body that:  
For the first time we have made [the residencies] all focused on Aboriginal and Torres Strait Islander artists from across the country. That has been really warmly welcomed by those organisations. It is the Glassworks, the Megalo print studio, some of the art centres and Craft ACT. They have really embraced that as a priority, and we would like to continue doing that kind of work.<sup>159</sup>
- 3.85 He told the Elected Body that the 'fusion' this represented was 'really important to the local arts scene as well'.<sup>160</sup>

152 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, p.19.

153 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, p.19.

154 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, pp.20–21.

155 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, p.21.

156 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, p.21.

157 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, p.21.

158 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, p.21.

159 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, p.21.

160 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, p.21.



- 3.86 At this point, the Elected Body asked about Aboriginal and Torres Strait Islander artists and art in public spaces, particularly in connection with opportunities that might be created in connection with the Capital Metro light-rail project.<sup>161</sup>
- 3.87 In responding, the Director told the Elected Body that his agency had had 'initial discussions' with the Capital Metro project 'about six months ago', and he had 'made contact again recently to ask them how that work is going', with further discussions planned.<sup>162</sup>
- 3.88 He told the Elected Body Capital Metro had had 'had various conceptual plans when we talked to them previously', which were 'are exactly the things you are talking about', including 'site treatments, stop treatments, terminal treatments, everything from the glass to the music to how the carriages might be wrapped, as well as our existing public art along the stage 1 route'.<sup>163</sup>
- 3.89 He told the Elected Body that there were plans for 'a number of pieces along that route' and it was intended that these would be 'complementary with the way that relates to the city and all the suburbs going through'. He told the Elected Body that they would 'definitely continue those conversations', and that he hoped that there was 'a very strong Indigenous or Aboriginal and Torres Strait Islander artist representation, or at least opportunities for that', along the route of the light rail.<sup>164</sup>
- 3.90 At this point in hearings, the Executive Director, Enterprise Canberra, VisitCanberra, also responded to the question, in relation to the work of Enterprise Canberra.<sup>165</sup>
- 3.91 He told the Elected Body that there were 'a couple of layers' that the agency had been working on that he thought were 'highly relevant to this forum':
- The visitor economies are going through some really rapid growth here in the ACT. We have had the direct international flights by Singapore Airlines and we have seen four quarters of really strong growth in international visitor numbers. They are record numbers now, about 208,000 international visitors to Canberra.<sup>166</sup>
- 3.92 In connection with this, he told the Elected Body, 'Aboriginal and Torres Strait Islander experiences' were 'a really important aspect of what international tourists are looking for when they come to Australia more broadly'. That there was an 'opportunity for the ACT to play a role in that' and, in his view, the agency was 'on some fairly new and exciting ground, looking at how we can bring some of these experiences to the fore for international tourists'.<sup>167</sup>
- 3.93 Practical actions in connection with this included moving the Canberra regional visitors centre from Northbourne Avenue to Regatta Point; the planting of an Indigenous garden at the new site; provision of 'a lot of digital content' at the new centre; and the fact that the agency had 'totally revamped' the VisitCanberra website, as a result of which there were 'opportunities now for a range of tour businesses or tourism operators to more actively have their experience booked through our channel'.<sup>168</sup>

161 ATSIIEB, *Proof Transcript*, 12 April 2017, p.21.

162 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, p.22.

163 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, p.22.

164 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, p.22.

165 Mr Ian Hill, *Proof Transcript*, 12 April 2017, p.22.

166 Mr Ian Hill, *Proof Transcript*, 12 April 2017, p.22.

167 Mr Ian Hill, *Proof Transcript*, 12 April 2017, p.23.

168 Mr Ian Hill, *Proof Transcript*, 12 April 2017, p.23.



3.94 More specifically, in relation to Aboriginal and Torres Strait Islander matters, the Executive Director told the Elected Body that:

We are seeing, off the back of that international drive, a number of companies coming to us about Aboriginal tours, tour guides, through places like Namadgi. We have a dedicated officer in David Barker who is working very closely with those operators to get their tour product ready, not just for a domestic market but for an international market.<sup>169</sup>

3.95 He told the Elected Body that there were 'two new tourism operators that have come on board in the last 12 months, doing tours through Namadgi'. There were 'some amazing guides out there', and there were 'a couple of guys in particular that we go to'. He told the Elected Body that his agency 'would love ten of those guys rather than two', as 'I am sure we could book out more tours', however there was 'incremental growth that needs to occur here' before that could occur.<sup>170</sup>

3.96 He also told the Elected Body that there was 'probably not a dissimilar story with domestic tourism'. Domestic tourism was 'sitting at about 2.4 million overnight visitors, which, for six quarters in a row, has been a record for the ACT', and there were 'some excellent opportunities in the domestic market as well as the international'.<sup>171</sup>

3.97 However, he continued, 'to be honest', international visitation was 'probably where there [was] more latent demand for these sorts of experiences' because 'a lot of international travellers expect to get the story of Aboriginals and Torres Strait Islanders wherever they visit in Australia'.<sup>172</sup>

### **Boomanulla Oval**

3.98 In hearings of 12 April 2017 the Elected Body noted a 'formal commitment from your agency to support Boomanulla [Oval] in its new form', and asked what the directorate would 'promise to community in supporting Boomanulla once the doors [were] open'.<sup>173</sup>

3.99 In asking the question, the Elected Body stated that Boomanulla was 'the heart of this community', in the sense that 'the services delivered to our people today all started from Boomanulla'. Previously, 'ongoing support' had been offered, but 'the service was run into the ground', and the Elected Body did not 'want to see that pattern happening again'.<sup>174</sup>

3.100 In responding to the question, the Director-General, Economic Development, told the Elected Body that the directorate 'would have been a lot happier if we were further down the track with our negotiations' regarding Boomanulla, and that the process had 'lost 12 months' by his reckoning.<sup>175</sup>

3.101 He said that he was placing his hopes on 'our next phase of community engagement' and told the Elected Body that:

Even though that will be done by way of supporting the Winnunga proposal, it will certainly...point us in the right direction with respect to the ongoing aspects, and that will make clearer where, what and how we then work with CSD. There would be a collaborative approach with CSD to formulate a business case that would then feed into our budget process. Obviously I would see that as being a matter of working with the elected body.<sup>176</sup>

169 Mr Ian Hill, *Proof Transcript*, 12 April 2017, p.23.

170 Mr Ian Hill, *Proof Transcript*, 12 April 2017, p.23.

171 Mr Ian Hill, *Proof Transcript*, 12 April 2017, p.24.

172 Mr Ian Hill, *Proof Transcript*, 12 April 2017, p.24.

173 ATSIEB, *Proof Transcript*, 12 April 2017, p.30.

174 ATSIEB, *Proof Transcript*, 12 April 2017, pp.30–31.

175 Mr David Dawes, *Proof Transcript*, 12 April 2017, p.31.

176 Mr David Dawes, *Proof Transcript*, 12 April 2017, p.31.



3.102 The Director, Enterprise Canberra, Active Canberra, also responded to the question. She told the Elected Body that there was 'a legacy that [could] be reflected on regarding ACSRA and the work that Percy Knight and others did at the time':<sup>177</sup>

Aspirationally—and I know there are all sorts of challenges in getting to that aspiration—the vision for Boomanulla was to get that place back to what it needed to be and what it should be for the community: the heart of the community.<sup>178</sup>

3.103 She told the Elected Body that 'the aspiration was to have it get there in such a way that it [would become] self-realising and self-sufficient'. In order to do this, it was possible that there was a need for 'co-contribution by a range of partners',<sup>179</sup> but the directorate was:

hoping that this process will deliver a business model, an operational model and a tenure model that will allow that to happen over time, so that the community can be proud of what it is and so that it is self-realising and it does not have to keep coming back to government for funding.<sup>180</sup>

3.104 The Director said that

There may always be funding like Indigenous advancement strategy funding that can help to run programs. Our view is that, when the time comes, the baton and the holder of the Indigenous advancement strategy funding should go back to the organisation that ends up running Boomanulla. That is what we want to see happen. We are the temporary custodian both of the land and of the program funding that should really be managed and worked through that facility.<sup>181</sup>

3.105 At this point the Elected Body stated that neither it nor the Aboriginal and Torres Strait Islander community in the ACT wanted Boomanulla Oval, once it was re-opened, to be reliant on ongoing government funding. The intent was to achieve self-sufficiency, in connection with this and other services. The ACT Government could help by advising how 'different avenues' could be accessed, through which 'mainstream providers' could be engaged to provide funds and support for Boomanulla Oval.<sup>182</sup>

3.106 At this point, the Director acknowledged community aspirations to 'open up that facility and have the community re-engage as soon as possible', but stated that it was in her view important to 'get it right', not 'rush it, get it wrong and then be back where we are in two years' time'.<sup>183</sup>

## Elected Body comment

### Summary

#### Written responses

3.107 Written responses by CMTEDD to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.

3.108 In relation to CMTEDD's responsibility for the ACT Public Service workforce, this included:

177 Ms Jenny Priest, *Proof Transcript*, 12 April 2017, p.31.

178 Ms Jenny Priest, *Proof Transcript*, 12 April 2017, p.31.

179 Ms Jenny Priest, *Proof Transcript*, 12 April 2017, p.31.

180 Ms Jenny Priest, *Proof Transcript*, 12 April 2017, p.31.

181 Ms Jenny Priest, *Proof Transcript*, 12 April 2017, pp.31–32.

182 ATSIIEB, *Proof Transcript*, 12 April 2017, p.32.

183 Ms Jenny Priest, *Proof Transcript*, 12 April 2017, p.32.



- establishing a 'whole-of-government Indigenous Employment Traineeship Program'<sup>184</sup>
- support for the Head of Service 'to implement employment strategies...to employ a minimum of 407 Aboriginal and Torres Strait Islander us people by 2018–19'<sup>185</sup>
- support for the Inclusion Indigenous Traineeship which, the response stated, provided 'full-time permanent employment at the successful completion'<sup>186</sup>
- support for the ACTPS Graduate Program, in which 'front-end support is provided to Aboriginal and Torres Strait Islander people to allow those people to complete on merit in a mainstream program'<sup>187</sup>
- provision of 'better resources for executives, managers and supervisors to be involved in, and consider employment of Aboriginal and Torres Strait Islander people'<sup>188</sup>
- provision of 'of training through Inclusion Employment Programs for panel and selection members, staff, managers and supervisors involved with inclusion employment programs'<sup>189</sup>
- work by the Inclusion Team 'with the community, the ACTPS Indigenous Network (Murranga Murranga) and with Indigenous Employment agencies...in the promotion of employment and working within the ACTPS'<sup>190</sup>
- work toward 'an ACTPS Career Retention and Satisfaction Program' that would be 'coordinated in 2016–17...for approx 40 Indigenous staff at the ASO and SOG level...the aim of increasing advancement and retention of Indigenous Employees'<sup>191</sup>
- performance agreements for 'Executives who report directly to the Director-General' which 'include assessment on achievement of diversity targets'<sup>192</sup>
- work 'on the development of the directorate's Reconciliation Action Plan (RAP)', which was expected to be 'finalised in the second quarter of 2017'<sup>193</sup>
- work toward a proposal for a 'Aboriginal and Torres Strait Islander-specific Executive Development Program aimed at staff at the senior officer level'<sup>194</sup>
- work toward the establishment of a 'Workforce Diversity Strategy', which included 'the investigation and implementation of Indigenous leadership professional development opportunities'<sup>195</sup>
- work 'with OATSIA and Murranga Murranga to establish mentors to provide pastoral care, support and advice to both the participants and new employees involved in the Inclusion programs and the work areas involved'<sup>196</sup>
- support for staff 'to participate in Murranga Murranga ACTPS Aboriginal and Torres Strait Islander Employee Network'<sup>197</sup>
- invitations to staff to 'attend Aboriginal and Torres Strait Islander Cultural Awareness training'<sup>198</sup>

184 CMTEDD response to ATSIIEB generic questions, August 2017, p.2.

185 CMTEDD response to ATSIIEB generic questions, August 2017, p.4.

186 CMTEDD response to ATSIIEB generic questions, August 2017, p.5.

187 CMTEDD response to ATSIIEB generic questions, August 2017, p.5.

188 CMTEDD response to ATSIIEB generic questions, August 2017, p.5.

189 CMTEDD response to ATSIIEB generic questions, August 2017, p.5.

190 CMTEDD response to ATSIIEB generic questions, August 2017, p.7.

191 CMTEDD response to ATSIIEB generic questions, August 2017, p.10.

192 CMTEDD response to ATSIIEB generic questions, August 2017, p.10.

193 CMTEDD response to ATSIIEB generic questions, August 2017, p.10.

194 CMTEDD response to ATSIIEB generic questions, August 2017, pp.10–11.

195 CMTEDD response to ATSIIEB generic questions, August 2017, p.11.

196 CMTEDD response to ATSIIEB generic questions, August 2017, p.13.

197 CMTEDD response to ATSIIEB generic questions, August 2017, p.13.

198 CMTEDD response to ATSIIEB generic questions, August 2017, p.14.



- hosting of workshops on 'Recruiting for a diverse workforce',<sup>199</sup> and a 'Workforce Diversity Executive Seminar', outlining the current status of diversity employment and sought support from Executives to reach the ACTPS Inclusion targets, including Indigenous employment'.<sup>200</sup>

3.109 In relation to artsACT, this included:

- work to improve 'participation and equity by appointing Aboriginal and Torres Strait Islander peers' to artsACT grants assessment panels<sup>201</sup>
- changes the 2017 ACT Residency Program so that it would 'focus on Aboriginal and Torres Strait Islander artists'<sup>202</sup>
- efforts by artsACT 'to improve services to the Aboriginal and Torres Strait Islander artists and community through its current consultation'<sup>203</sup>
- the allocation of '\$156,000 through the 2016–17 Budget for activities specifically supporting Aboriginal and Torres Strait Islander programs'<sup>204</sup>
- encouragement of staff to 'participate in cultural awareness training'.<sup>205</sup>

3.110 In relation to Innovate Canberra, this included:

- support provided to 'initiatives under the agreement to increase opportunities for Aboriginal and Torres Strait Islander peoples to move towards economic independence'<sup>206</sup>
- work to facilitate 'connections between local Aboriginal and Torres Strait Islander businesses and business organisations to provide opportunities for business development and growth'<sup>207</sup>
- funding of '\$99,000 (ex GST) in 2015–16 for the delivery of the Aboriginal and Torres Strait Islander Business Development and Entrepreneurship Support Model'.<sup>208</sup>

3.111 In relation to Active Canberra, this included:

- funding of relevant positions 'to improve outcomes for Aboriginal and Torres Strait Islander people'<sup>209</sup>
- receipt of '122 applications from 113 Aboriginal and Torres Strait Islander people' for project funding, of which '91 were successful'<sup>210</sup>
- conduct of an Expressions of Interest (EOI) process for 'the future management of Boomanulla Oval', held in March 2016, for which 'Winnunga [had] progressed to the second stage of the process and [had] been invited to respond to a Request for Tender released at the end of June 2016'.<sup>211</sup>

199 CMTEDD response to ATSIEB generic questions, August 2017, p.14.

200 CMTEDD response to ATSIEB generic questions, August 2017, p.14.

201 CMTEDD response to ATSIEB generic questions, August 2017, p.2.

202 CMTEDD response to ATSIEB generic questions, August 2017, p.2.

203 CMTEDD response to ATSIEB generic questions, August 2017, p.11.

204 CMTEDD response to ATSIEB generic questions, August 2017, p.12.

205 CMTEDD response to ATSIEB generic questions, August 2017, p.14.

206 CMTEDD response to ATSIEB generic questions, August 2017, p.5.

207 CMTEDD response to ATSIEB generic questions, August 2017, p.7.

208 CMTEDD response to ATSIEB generic questions, August 2017, p.12.

209 CMTEDD response to ATSIEB generic questions, August 2017, pp.3–4.

210 CMTEDD response to ATSIEB generic questions, August 2017, p.11.

211 CMTEDD response to ATSIEB generic questions, August 2017, p.11.



## Responses in hearings

- 3.112 Matters which were considered in some detail in hearing included the following.
- 3.113 In relation to new programs and services implemented by the Chief Minister and Treasury sub-agency in the financial year, the Elected Body and representatives of the directorate discussed:
- 'employment initiatives across ACT Government' relevant to Aboriginal and Torres Strait Islander people<sup>212</sup>
  - use of 'existing programs such as the graduate one to attract and retain new Aboriginal and Torres Strait Islander staff into ACT Government'<sup>213</sup>
  - the submission of a 'cross-portfolio submission' to Budget Cabinet 'for the first time', so that instead of 'disparate proposals coming forward, hidden across directorates', there was 'a single submission that focused on Indigenous and Aboriginal Islander needs'.<sup>214</sup>
- 3.114 In relation to diversity targets, the Elected Body and representatives of the directorate discussed:
- admissions by the directorate that numbers of successful Aboriginal and Torres Strait Islander applicants to ACT Public Service positions had 'not been what we would have liked',<sup>215</sup> and that it was 'fair to say that we have not been successful in attracting a large cohort of Aboriginal and Torres Strait Islander graduate applicants'<sup>216</sup>
  - the inclusion of Aboriginal and Torres Strait Islander employment targets in 'each director-general's performance agreement', to which directors-general were held accountable by the Head of Service.<sup>217</sup>
- 3.115 In relation to progress on the whole-of-government agreement, and whether Indigenous expenditure outlined in the ACT budget was sufficient to support the agreement, the Elected Body and representatives of the directorate discussed:
- whether the agreement was still 'at an implementation phase'<sup>218</sup>
  - the responsibility of ministers and directors-general to bring forward objectives, priorities and proposals to be considered.<sup>219</sup>
- 3.116 A response to a Question Taken on Notice was also received by the Elected Body, providing an answer in further detail.<sup>220</sup>
- 3.117 In relation to new programs and services under the responsibility of the Economic Development sub-agency, the Elected Body and representatives of the directorate discussed:
- engagement with Aboriginal and Torres Strait Islander artists<sup>221</sup>
  - opportunities for Aboriginal and Torres Strait Islander artists arising from the light-rail project<sup>222</sup>
  - the significance of Aboriginal and Torres Strait Islander culture for tourism to the ACT.<sup>223</sup>
- 3.118 In relation to Boomanulla Oval, the Elected Body and representatives of the directorate discussed:

212 Ms Bronwen Overton-Clarke, ATSIEB, *Proof Transcript*, 12 April 2017, p.2.

213 Ms Bronwen Overton-Clarke, ATSIEB, *Proof Transcript*, 12 April 2017, p.2.

214 Mr David Nichol, ATSIEB, *Proof Transcript*, 12 April 2017, pp.2–3.

215 Ms Judi Childs, *Proof Transcript*, 12 April 2017, pp.5–6.

216 Ms Judi Childs, *Proof Transcript*, 12 April 2017, p.6.

217 Ms Bronwen Overton-Clarke, *Proof Transcript*, 12 April 2017, pp.7–8.

218 ATSIEB, *Proof Transcript*, 12 April 2017, p.13.

219 Mr David Nicol, *Proof Transcript*, 12 April 2017, pp.14–15.

220 Mr Michael De'Ath, Community Services Directorate, Response to Question Taken on Notice from hearings of 12 April 2017, signed 12 May 2017.

221 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, pp.19–21.

222 Mr Adam Stankevicius, *Proof Transcript*, 12 April 2017, p.22.

223 Mr Ian Hill, *Proof Transcript*, 12 April 2017, p.23.



- community discussion and engagement regarding Boomanulla Oval<sup>224</sup>
- aspirations to have Boomanulla Oval operate such that it would become 'self-realising and self-sufficient'<sup>225</sup>
- aspirations to 'deliver a business model, an operational model and a tenure model that will allow that to happen over time'.<sup>226</sup>

## Elected Body views and recommendations

- 3.119 In relation to progress on the whole-of-government agreement, it is a matter of concern for the Elected Body to hear that in many instances matters are 'under discussion', well into the term of the agreement, and that it is left to individual ministers and directors-general to bring forward proposals to Budget Cabinet which would, if successful, contribute to the fulfilment of the agreement.
- 3.120 The Elected Body notes that consultation, particularly with the ACT Aboriginal and Torres Strait Islander community, is important in setting appropriate goals and achieving success in this area. However it would be most unfortunate if this agreement mostly contributed to discussion rather than outcomes.
- 3.121 In light of this, the Elected Body makes the following recommendation.

### RECOMMENDATION 1

- 3.122 **The Elected Body recommends that the directorate works collaboratively with CSD and the Elected Body as soon as practical to formulate a business case to feed into the budget process to support Boomanulla Oval in its new form.**

### RECOMMENDATION 2

- 3.123 **The Elected Body recommends that the ACT Government put subsidiary timelines in place for consultation processes so that they do not extend to the point where they impinge on, or prevent, the delivery of tangible outcomes.**
- 3.124 It is also a matter of concern to the Elected Body that recruitment of Aboriginal and Torres Strait Islander people to the ACT Public Service has fallen short of targets set under the agreement.
- 3.125 In this, the Elected Body considers it important to adopt a broader perspective which focuses not only on recruitment and retention, but on developing a broader cohort of Aboriginal and Torres Strait Islander people in the ACT who have a level of educational achievement appropriate for the public sector workforce. With this in mind, the Elected Body considers that work experience pathways be developed for suitable secondary students who may, by way of work experience placements and educational achievement, be placed on a trajectory that will see them join the ACT public sector if they meet the requirements of the program.
- 3.126 The fundamental thought in this instance is that pathways to job readiness do not suddenly open-up at the end of secondary education, nor indeed at tertiary level. They start much earlier. If Aboriginal and Torres Strait Islander students and their families were able to aspire to opportunities that would, if the criteria were met, position them as candidates for ACT public sector positions, this would have a positive effect on school engagement.

224 Mr David Dawes, *Proof Transcript*, 12 April 2017, p.31.

225 Ms Jenny Priest, *Proof Transcript*, 12 April 2017, p.31.

226 Ms Jenny Priest, *Proof Transcript*, 12 April 2017, p.31.

- 3.127 Over time, it would also contribute to a developing cohort of mature Aboriginal and Torres Strait Islander people in the ACT who understood the public sector and were in that respect able to advocate on behalf of Aboriginal and Torres Strait Islander people, and to support the ACT Public Service in its efforts to attract and retain Aboriginal and Torres Strait Islander people.
- 3.128 In light of this, the Elected Body makes the following recommendation.

### RECOMMENDATION 3

- 3.129 **The Elected Body recommends that, in light of realistic paths to job readiness, that the ACT Government seek to engage Aboriginal and Torres Strait Islander secondary students for work experience placements, and that students who meet criteria be considered for future positions in the ACT Public Service.**
- 3.130 In relation to Boomanulla Oval, the Elected Body notes that these matters were discussed in previous reports of its hearings process. Again, the process of consultation appears to have become lengthy, although it is to be acknowledged that with Winnunga as sole candidate to go into a further stage in the selection process, there may be some promise of a result.
- 3.131 In the intervening period, facilities at Boomanulla Oval have deteriorated, and the Aboriginal and Torres Strait Islander community in the ACT has not had the use of a site which has considerable significance for that community.
- 3.132 As noted above, it is vital that some balance be struck between the need to consult—acknowledged by the Elected Body as a key imperative—and the need for timely action and results. As noted in a recommendation above, this can be achieved by identifying agreed milestones within the consulting process, as a subset of overall project timelines.

## 4 COMMUNITY SERVICES DIRECTORATE



### Introduction

- 4.1 Officers of the Community Services Directorate (CSD) appeared before the ATSIEB in hearings of 12 April 2017.
- 4.2 The directorate's responses to the Elected Body's generic questions, and selected witness testimony from hearings, are considered below.

### Responses to generic questions

#### 1 Equitable access and increased impact

- 4.3 In relation to the first generic question, the directorate made an extensive written response which advised the Elected Body of the directorate's its responsibility for the following matters relevant to Aboriginal and Torres Strait Islander people:
  - *ACT Aboriginal And Torres Strait Islander Agreement 2015–2018*
  - data collection
  - strengthening families
  - youth justice
  - out of home care
  - housing
  - National Disability Insurance Scheme.
- 4.4 These are considered below.

#### ***ACT Aboriginal and Torres Strait Islander Agreement 2015–2018***

- 4.5 In describing Directorate's involvement in the design and implementation of the *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018*, the response advised the Elected Body that:
  - the Office for Aboriginal and Torres Strait Islander Affairs had 'on behalf of the ACT Government, developed the *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* (the agreement) in partnership with the Elected Body', which the ACT Government had signed on 23 April 2015<sup>227</sup>
  - the directorate was at that time engaged in developing an 'Outcomes Reporting Framework', which would 'bring together all Aboriginal and Torres Strait Islander specific initiatives, relevant mainstream programs and services into the one outcome reporting framework'<sup>228</sup>
  - the directorate coordinated the whole-of-government approach to addressing 'these key focus areas' through its management of the ACT Strategic Board for Aboriginal and Torres Strait Islander Affairs Subcommittee and the Implementation Reference Group.<sup>229</sup>

227 ACT Community Services Directorate (CSD), Response to ATSIEB generic questions, April 2017, p.1.

228 CSD, Response to ATSIEB generic questions, April 2017, p.1.

229 CSD, Response to ATSIEB generic questions, April 2017, p.1.



### **Data collection**

- 4.6 In its response, the directorate advised that it was responsible for the 'Human Services Blueprint' which, it advised the Elected Body, was 'the leading policy platform guiding how justice, health, education and community services can work together to improve outcomes for members of the Canberra community'.<sup>230</sup>
- 4.7 One element of this was the directorate's development of 'a Common Dataset for human services [which was] a deliverable under the blueprint'. This was 'one of the key products supporting information sharing across the human services system and the demonstration of outcomes for Aboriginal and Torres Strait Islander peoples in the ACT'.<sup>231</sup>
- 4.8 A further data-gathering function managed by the directorate was the 'Australian Early Development Census (AEDC)', which was 'a triennial, national census [which measured] the development of children in their first year of school'. Results were 'reported at the community, state/territory and national level, and assist communities and governments to plan and assess the effectiveness of their efforts to improve early childhood outcomes'.<sup>232</sup>

### **Strengthening Families**

- 4.9 The directorate advised that it was responsible for the 'Strengthening Families' program which 'provided support for 70 families (322 individual family members) during the two-year trial of the initiative from July 2014 to June 2016'. Of these, '24 per cent were Aboriginal and Torres Strait Islander families', amounting to '99 family members'.<sup>233</sup>
- 4.10 The response noted that as at August 2016 '10 Aboriginal and Torres Strait Islander families', amounting to '56 family members', were receiving support from the Strengthening Families program, and that four of the 20 families which had 'achieved their goals upon exiting the program were Aboriginal and Torres Strait Islander families'.<sup>234</sup>

### **Youth justice**

- 4.11 In relation to Youth Justice, the response advised that:
- The Justice and Community Safety Directorate (JACS) will be leveraging off functional elements of the Strengthening Families approach in the Justice Reinvestment Trial', which was 'a collaborative response to address over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system'.<sup>235</sup>
- 4.12 The response advised that the 'over-representation of Aboriginal and Torres Strait Islander people in youth justice' was being addressed through the *Blueprint for Youth Justice in the ACT 2012–22*. Since implementation of the blueprint over the period 2011–12 to 2014–15, 'the impact on outcomes for Aboriginal and Torres Strait Islander young people' had been demonstrated by:
- 'a 32 per cent reduction in Aboriginal and Torres Strait Islander young people under youth justice supervision'

230 CSD, Response to ATSIIEB generic questions, April 2017, p.2.

231 CSD, Response to ATSIIEB generic questions, April 2017, p.2.

232 CSD, Response to ATSIIEB generic questions, April 2017, p.3.

233 CSD, Response to ATSIIEB generic questions, April 2017, p.2.

234 CSD, Response to ATSIIEB generic questions, April 2017, p.2.

235 CSD, Response to ATSIIEB generic questions, April 2017, p.2.



- 'a 39 per cent reduction in the rate of Aboriginal and Torres Strait Islander young people under supervision on an average day'
- 'a 40 per cent reduction in Aboriginal and Torres Strait Islander young people under community-based supervision'
- 'a 65 per cent reduction in nights spent in custody by Aboriginal and Torres Strait Islander young people'
- 'a 42 per cent reduction in Aboriginal and Torres Strait Islander young people in detention'.<sup>236</sup>

### ***Out of home care***

4.13 In relation to out of home care, the response noted the 'Step Up for Our Kids' program, which was the ACT Government's 'five-year reform strategy for out of home care services'.<sup>237</sup>

4.14 The response stated that:

A Step Up for Our Kids has commissioned a new service system of intensive, individualised support for families to prevent children coming into care or return them home as soon as it is safe to do so. This service system will have a specific focus on keeping Aboriginal and Torres Strait Islander families together with a view to specifically reduce the amount of Aboriginal and Torres Strait Islander children coming into care.<sup>238</sup>

4.15 The response advised that the program would have:

an independent evaluation study undertaken to understand the impact of the implementation of A Step Up for Our Kids on Aboriginal and Torres Strait Islander children and young people and their families.<sup>239</sup>

### ***Housing***

4.16 In relation to housing, the response advised the Elected Body that in 2015–16, '67 new Aboriginal and Torres Strait Islander public housing tenancies were created', which comprised '11 per cent of all new tenancies', and that:

- '39 applicants were from the priority housing list, involving 75 Aboriginal and Torres Strait Islander residents'
- '27 applicants were from the high needs housing list, involving 51 Aboriginal and Torres Strait Islander residents'
- 'one applicant was from the standard housing list, involving one Aboriginal and Torres Strait Islander residents'.<sup>240</sup>

4.17 The response advised the Elected Body that, overall, as at 30 June 2016, there were '894 Aboriginal and Torres Strait Islander public housing tenancies, housing a total of 1,949 Aboriginal and Torres Strait Islander residents'.<sup>241</sup>

4.18 In addition, the response stated that in the 2013–14 Budget, \$1.5 million had been allocated 'for the construction of suitable and culturally appropriate accommodation for Aboriginal and Torres Strait Islander people to "age in place" ', and that a new development which was 'a cluster of five two-bedroom

236 CSD, Response to ATSIEB generic questions, April 2017, p.5.

237 CSD, Response to ATSIEB generic questions, April 2017, p.5.

238 CSD, Response to ATSIEB generic questions, April 2017, p.5.

239 CSD, Response to ATSIEB generic questions, April 2017, p.6.

240 CSD, Response to ATSIEB generic questions, April 2017, p.6.

241 CSD, Response to ATSIEB generic questions, April 2017, p.6.



units built to Gold Standard Liveable Design for residential construction that will house older Aboriginal and Torres Strait Islander people' had been built in Jenke Circuit, Kambah.<sup>242</sup>

- 4.19 It also stated that Housing ACT had allocated '\$1.05 million to address Aboriginal and Torres Strait Islander households experiencing housing stress, namely overcrowding', and that after 'consideration of the most appropriate means of utilising the funding', the funding was put towards 'the purchase of larger more suitable properties for Aboriginal and Torres Strait Islander households'.<sup>243</sup>

### ***National Disability Insurance Scheme***

- 4.20 In relation to the National Disability Insurance Scheme (NDIS), the response advised that:

Since 2013, targeted attention has been given to ensure that ACT Aboriginal and Torres Strait Islander community members have the best chance of accessing the supports and services they are entitled to under the NDIS; and that those supports and services are better positioned to meet their needs.<sup>244</sup>

- 4.21 It advised that the ACT NDIS Taskforce had 'worked with colleagues in Justice and Community Safety and the Health Directorate (Mental Health Unit) to facilitate the effective engagement of NDIS Outreach Workers into the Alexander Maconochie Centre'. As a result, Aboriginal and Torres Strait Islander prisoners with disabilities were 'able to be supported to prepare for the NDIS before they [were] released'.<sup>245</sup>

- 4.22 The response also advised that at 30 September 2016 '5,229 people had approved NDIS participant plans in the ACT'. Of those, '4.1 per cent identified as being Aboriginal and/or Torres Strait Islander'.<sup>246</sup>

- 4.23 The response cited a report which had suggested that 'through (its) work and sustained cooperative efforts, the ACT has the highest uptake of Aboriginal and Torres Strait Islander people in the NDIS besides Northern Territory'.<sup>247</sup>

## **2 Implement ACT Aboriginal and Torres Strait Islander Agreement**

- 4.24 In relation to the second generic question, the directorate in its written response stated, among other things, that the directorate had 'led the development of the ACT Aboriginal and Torres Strait Islander Agreement's implementation plan'.<sup>248</sup>

- 4.25 The response advised of the directorate's role in the Step Up for Our Kids program which focused 'on diverting children and young people from entering care', and on 'reunification of children with parents wherever possible, by providing services for families to achieve this'. It noted that the program sought 'to improve the delivery of health, housing, economic and social services' to the Aboriginal and Torres Strait Islander community, and that this part of the agreement would 'become core business' for the directorate.<sup>249</sup>

- 4.26 The response went on to say that this was part of the 'Strong Families: Connecting the Community' theme of the agreement, and that, as part of this, 'regular updates on... progress [would be] provided to the Aboriginal and Torres Strait Islander Elected Body and Aboriginal and Torres Strait Islander community organisations'.<sup>250</sup>

242 CSD, Response to ATSIEB generic questions, April 2017, p.7.

243 CSD, Response to ATSIEB generic questions, April 2017, p.7.

244 CSD, Response to ATSIEB generic questions, April 2017, p.8.

245 CSD, Response to ATSIEB generic questions, April 2017, p.8.

246 CSD, Response to ATSIEB generic questions, April 2017, p.9.

247 CSD, Response to ATSIEB generic questions, April 2017, p.9.

248 CSD, Response to ATSIEB generic questions, April 2017, p.12.

249 CSD, Response to ATSIEB generic questions, April 2017, p.12.

250 CSD, Response to ATSIEB generic questions, April 2017, p.12.



- 4.27 The response advised that in 'support of the "Cultural Identity" aspect of the agreement, all children and young people who identify as Aboriginal or Torres Strait Islander', and who were placed in out of home care', had 'a Cultural Care Plan developed'.<sup>251</sup>
- 4.28 In addition, it advised that the 'Aboriginal and Torres Strait Islander Child Placement Principle continues to guide decisions about placements for Aboriginal and Torres Strait Islander children and young people' and, for most, this would entail 'kinship care placement with extended family'.<sup>252</sup>

### **3 Aboriginal and Torres Strait Islander organisations and community**

- 4.29 In relation to the third generic question, the directorate in its written response referred, among other things, to 'Relationship Principles' provided for under the ACT Aboriginal and Torres Strait Islander Agreement implementation plan.<sup>253</sup>
- 4.30 The response advised that a commitment to these principles was 'central' to the ACT Aboriginal and Torres Strait Islander Agreement's implementation plan.<sup>254</sup>
- 4.31 It advised that, through the ACT Relationship Principles:
- the agreement encourages open communication and inclusive involvement of all stakeholders, providing the basis for a working relationship between Aboriginal and Torres Islander communities and the ACT Government.<sup>255</sup>
- 4.32 It advised that an example of this in practice was 'the development of the agreement's Outcomes Reporting Framework', in which the directorate, 'in leading the co-design development of the Framework', would be 'liaising directly with Aboriginal and Torres Strait Islander stakeholders and service partners' to 'seek assistance in the design of a range of outcome performance measures'.<sup>256</sup>
- 4.33 Other parts of the response advised that:
- the 'Office for Aboriginal and Torres Strait Islander Affairs [had] delivered a number of cultural proficiency training sessions across CSD'<sup>257</sup>
  - the First People's Disability Network had hosted three 'Yarn Ups' in Canberra in February 2016 to inform 'the Opening Doors Project to develop culturally-sensitive disability services in the ACT'<sup>258</sup>
  - the Children and Families ACT program included 'specialist support to children, young people and families in Aboriginal and Torres Strait Islander local communities across the ACT, through its Aboriginal Services and Development Unit, "Jaanimili"'.<sup>259</sup>

251 CSD, Response to ATSIEB generic questions, April 2017, p.12.

252 CSD, Response to ATSIEB generic questions, April 2017, p.12.

253 CSD, Response to ATSIEB generic questions, April 2017, p.14.

254 CSD, Response to ATSIEB generic questions, April 2017, p.14.

255 CSD, Response to ATSIEB generic questions, April 2017, p.14.

256 CSD, Response to ATSIEB generic questions, April 2017, p.14.

257 CSD, Response to ATSIEB generic questions, April 2017, p.14.

258 CSD, Response to ATSIEB generic questions, April 2017, p.14.

259 CSD, Response to ATSIEB generic questions, April 2017, p.15.



#### 4 Increased knowledge of the agreement amongst staff

4.34 In relation to the fourth generic question, the directorate in its written response stated, among other things, that:

The *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* ... and the implementation of the agreement is listed as a priority action in the Office for Aboriginal and Torres Strait Islander Affairs business plan, which all staff are aware of, including senior staff.<sup>260</sup>

4.35 It advised that the 'Agreement [had] been promoted to all Community Services Directorate staff through the CSD Intranet page and website', and that copies of the agreement had 'been circulated to staff at meetings and at reconciliation action plan events'.<sup>261</sup>

4.36 The response advised that the directorate continued to work 'towards providing culturally appropriate holistic service delivery as outlined in the *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018*'. It stated that examples of holistic service delivery included:

Growing Health Families programs at the Child and Family Centres; employment of a Cultural Liaison Officer at Housing ACT; trauma-informed therapeutic services to Aboriginal and Torres Strait Islander children at Melaleuca Place; Strengthening Families programs; and Partner in Recovery Programs.<sup>262</sup>

#### 5 Aboriginal and Torres Strait Islander staffing profile

4.37 In relation to the fifth generic question, the response advised the Elected Body that:

As at 31 August 2016, 35 staff within the CSD identified as an Aboriginal and/or Torres Strait Islander person. Aboriginal and/or Torres Strait Islander employees represent 3.6 per cent of all CSD staff.<sup>263</sup>

4.38 Regarding identified positions, the response advised that:

As at 31 August 2016, there were 18 Aboriginal and/or Torres Strait Islander designated positions within CSD.<sup>264</sup>

4.39 Regarding gender, the response advised that:

Of the 35 Aboriginal and/or Torres Strait Islander staff within CSD, 18 (51 per cent) staff are female and 17 (49 per cent) are male.<sup>265</sup>

4.40 Regarding classifications, the response provided a table showing 'Aboriginal and/or Torres Strait Islander staff classification breakdown as at 31 August 2016':

Classification	No.
Administrative Services Officer 2	2
Administrative Services Officer 3	1
Administrative Services Officer 4	5
Administrative Services Officer 5	10
Administrative Services Officer 6	2
Executive	1
Health Professional Officer 2	1

260 CSD, Response to ATSIEB generic questions, April 2017, p.17.

261 CSD, Response to ATSIEB generic questions, April 2017, p.17.

262 CSD, Response to ATSIEB generic questions, April 2017, p.18.

263 CSD, Response to ATSIEB generic questions, April 2017, p.17.

264 CSD, Response to ATSIEB generic questions, April 2017, p.17.

265 CSD, Response to ATSIEB generic questions, April 2017, p.17.



<b>Classification</b>	<b>No.</b>
Health Professional Officer 4	1
Senior Officer C	6
Senior Officer B	2
Senior Officer A	1
Youth Worker 1	1
Youth Worker ½	1
Youther Worker 2	1
<b>Total</b>	<b>35</b>

## **6 Aboriginal and Torres Strait Islander leadership**

- 4.41 In relation to the sixth generic question, the directorate in its written response stated, among other things, that it had employed 'a range of measures to increase Aboriginal and Torres Strait Islander leadership through the senior classifications',<sup>266</sup> including:
- 'talent identification by manager/supervisor and executives
  - performance management/development procedures
  - staff participation in development opportunities
  - succession planning/management
  - provision of studies assistance for Aboriginal and Torres Strait Islander people'.<sup>267</sup>
- 4.42 The response advised that 'executives of CSD have targets for Aboriginal and Torres Strait Islander staff included in the Individual performance plans', and that this demonstrated the directorate's 'commitment to attracting, supporting and retaining Aboriginal and Torres Strait Islander staff members'.<sup>268</sup>
- 4.43 The response went on to say that the directorate currently had one identified Aboriginal and Torres Strait Islander senior executive position, and that the directorate supported 'aspiring executives' by 'identifying nine Aboriginal and Torres Strait Islander senior officer positions in its FTE'.<sup>269</sup>

## **7 Focused and effective services**

- 4.44 In relation to the seventh generic question, the directorate in its written response stated, among other things, that there was ongoing consultation being undertaken for programs for which it was responsible.
- 4.45 In relation to the Step Up for Our Kids program it advised that that [ongoing consultation was occurring with Aboriginal and Torres Strait Islander community organisations and the Elected Body to ensure that 'implementation of A Step Up for Our Kids is effective in meeting the needs of the Aboriginal community'.<sup>270</sup>
- 4.46 It advised that the 'Growing Healthy Families program' was being delivered 'across the ACT' with 'services and supports offered through the three ACT Government Child and Family Centres'; that the programs were 'well-attended by Aboriginal and Torres Strait Islander families'; and that the programs had been

266 CSD, Response to ATSIEB generic questions, April 2017, p.20.

267 CSD, Response to ATSIEB generic questions, April 2017, p.20.

268 CSD, Response to ATSIEB generic questions, April 2017, p.20.

269 CSD, Response to ATSIEB generic questions, April 2017, p.20.

270 CSD, Response to ATSIEB generic questions, April 2017, p.23.



'developed through consultation with the Aboriginal and Torres Strait Islander community in each region'.<sup>271</sup>

- 4.47 The response advised the Elected Body that the directorate was funding a number of programs, including:
- to Gugan Gulwan Youth Aboriginal Corporation to support programs to Aboriginal and Torres Strait Islander children and their families 'to provide a safe and supportive environment where people may gather and discuss issues of concern and access information, referral, counselling and other services'<sup>272</sup>
  - to Northside Community Service for the ACT Aboriginal and Torres Strait Islander Job Readiness Support Program, known as the 'ConnXtions Program', which 'provides participants with nationally recognised training and Certificate III qualifications in Community Service'.<sup>273</sup>
- 4.48 The response also advised the Elected Body as to housing-related programs supported by the directorate. This included:
- the 'Indigenous Boarding House Network', which used 'six homes to provide short-term temporary accommodation for people coming to the ACT for specific reasons', in particular for 'mature-aged Aboriginal and Torres Strait Islander students and student couples with children'<sup>274</sup>
  - the 'Home Maintenance Program', which provided 'practical home maintenance assistance to Aboriginal and Torres Strait Islander households at risk of eviction from public housing'<sup>275</sup>
  - the 'Housing Liaison Service', which provided 'information, advice, advocacy and support' to Aboriginal and Torres Strait Islanders to 'access appropriate housing options, facilitate linkages with legal and mainstream support services, and support clients to maintain their tenancies'.<sup>276</sup>

## 8 Effective policy development and policy impact

- 4.49 In relation to the eighth generic question, the directorate in its written response stated, among other things, that this had been demonstrated in relation to:
- youth justice
  - out of home care
  - a job readiness program.
- 4.50 These are considered below.

### ***Youth justice***

- 4.51 In relation to youth justice, the response advised the Elected Body that:
- since implementation of the *Blueprint for Youth Justice in the ACT 2012–22*, in 2011–12 to 2014–15, the impact on outcomes for Aboriginal and Torres Strait Islander young people is demonstrated by the initiatives contributing to the downward trend of over-representation of Aboriginal and Torres Strait Islander people in youth justice.<sup>277</sup>
- 4.52 The response stated that these initiatives included:

271 CSD, Response to ATSIIEB generic questions, April 2017, p.22.

272 CSD, Response to ATSIIEB generic questions, April 2017, p.21.

273 CSD, Response to ATSIIEB generic questions, April 2017, p.22.

274 CSD, Response to ATSIIEB generic questions, April 2017, p.25.

275 CSD, Response to ATSIIEB generic questions, April 2017, p.25.

276 CSD, Response to ATSIIEB generic questions, April 2017, p.25.

277 CSD, Response to ATSIIEB generic questions, April 2017, p.26.



the After Hours Crisis Service, Narrabundah House, the Youth Alcohol Diversion Program, evidence-based practice and case management in Child and Youth Protection Services, restorative justice practices and support for young detainees to transition back into the community.<sup>278</sup>

### ***Out of home care***

4.53 In relation to out of home care, the response advised the Elected Body that:

A Step Up for Our Kids — One Step Can Make a Lifetime of Difference has commissioned a new service system of intensive, individualised support for families to prevent children coming into care or return them home as soon as it is safe to do so.<sup>279</sup>

4.54 It stated that:

This service system will have a specific focus on keeping Aboriginal and Torres Strait Islander families together with a view to specifically reducing the amount of Aboriginal and Torres Strait Islander children coming into care.<sup>280</sup>

### ***Job readiness programs***

4.55 In relation to job readiness programs, the response advised the Elected Body that the Aboriginal and Torres Strait Islander Job Readiness Support Program, 'known as the ConnXtions Program', provided 'nationally recognised job-ready training and ongoing wrap-around support to members of local Aboriginal and Torres Strait Islander communities', and that participants were 'able to gain accredited training in Community Services (Certificate III)'.<sup>281</sup>

## **9 Budget allocations to programs, services and clients**

4.56 In relation to the ninth generic question, the directorate in its written response stated, among other things, that CSD 'invested \$834,000 to support Aboriginal and Torres Strait Islander people in Canberra in the 2016–17 Budget'.<sup>282</sup>

4.57 It went on to state that the Budget outlined:

- '\$149,000 to forge stronger connections with the Aboriginal and Torres Strait Islander community in Canberra, so they are able to share their views and concerns on matters of significance with the government
- \$107,000 to offer additional mentoring and training to Aboriginal and Torres Strait Islander staff in the ACT public service
- \$60,000 for grants and programs that celebrate Aboriginal and Torres Strait Islander culture
- \$60,000 for the Aboriginal and Torres Strait Islander leadership grants
- \$258,000 for the Aboriginal and Torres Strait Islander job readiness program
- \$100,000 for the Aboriginal and Torres Strait Islander scholarship program
- \$100,000 to provide a new portal for Aboriginal and Torres Strait Islander peoples to access information on Indigenous issues across ACT Government'.<sup>283</sup>

278 CSD, Response to ATSIEB generic questions, April 2017, p.26.

279 CSD, Response to ATSIEB generic questions, April 2017, p.26.

280 CSD, Response to ATSIEB generic questions, April 2017, p.26.

281 CSD, Response to ATSIEB generic questions, April 2017, p.26.

282 CSD, Response to ATSIEB generic questions, April 2017, p.27.

283 CSD, Response to ATSIEB generic questions, April 2017, p.27.



## **10 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff**

4.58 In relation to the tenth generic question, the directorate in its written response stated that:

The CSD supports the career development of all staff and encourages staff to take an active role in pursuit of individual learning and development opportunities.<sup>284</sup>

## **11 A specific Aboriginal and Torres Strait Islander Staff Network**

4.59 In relation to the eleventh generic question, the directorate in its written response stated that:

The Office for Aboriginal and Torres Strait Islander Affairs (OATSIA) currently provides secretariat support to the ACT Government's Aboriginal and Torres Strait Islander Employee Network – Murranga Murranga. Aboriginal and Torres Strait Islander staff in the CSD are encouraged to participate in Murranga Murranga network meetings.<sup>285</sup>

## **12 Support for staff to participate in the Murranga Murranga Employee Network**

4.60 In relation to the twelfth generic question, the directorate in its written response stated that:

The CSD's Individual Performance Agreements provide an avenue to support staff to participate in a range of networks as part of their professional development activities, including the Murranga Murranga ACTPS Aboriginal and Torres Strait Islander Employee Network.<sup>286</sup>

## **13 Aboriginal and Torres Strait Islander Cultural Awareness Training**

4.61 In relation to the thirteenth generic question, the directorate in its written response stated that:

Aboriginal and Torres Strait Islander Cultural Awareness Training is offered to all staff and they are encouraged to complete this training when they commence working with CSD, if not already completed prior to working at CSD [and that a] total of 127 staff attended the training in the last financial year.<sup>287</sup>

4.62 It also stated that:

The CSD executive team has previously completed the Introduction to Cultural Proficiency training and is not expected to complete annual refresher courses.<sup>288</sup>

## **14 Cultural training for Director-General and senior executives**

4.63 In relation to the fourteenth generic question, the directorate in its written response stated that:

The CSD senior executive team are required to identify diversity strategies, including for Aboriginal and Torres Strait Islander people, in their Individual Performance Plans. This is reviewed at six months to ensure the executive is meeting the agreed commitments [such as] senior executives perform[ing] mentoring roles to support Aboriginal and Torres Strait Islander staff and encourage training to increase cultural proficiency across the directorate.<sup>289</sup>

284 CSD, Response to ATSIEB generic questions, April 2017, p.27.

285 CSD, Response to ATSIEB generic questions, April 2017, p.28.

286 CSD, Response to ATSIEB generic questions, April 2017, p.28.

287 CSD, Response to ATSIEB generic questions, April 2017, p.29.

288 CSD, Response to ATSIEB generic questions, April 2017, p.29.

289 CSD, Response to ATSIEB generic questions, April 2017, p.29.



## Hearings

4.64 Officers of the CSD appeared before the Elected Body in hearings of 12 April 2017.

### Matters considered

4.65 Matters considered in the course of the hearings included:

- new programs and services<sup>290</sup>
- housing<sup>291</sup>
- the Office for Aboriginal and Torres Strait Islander Affairs<sup>292\*</sup>
- the Child Development Service<sup>293 \*</sup>
- the Growing Healthy Families program<sup>294\*</sup>
- youth justice<sup>295</sup>
- care and protection and Aboriginal and Torres Strait Islander children<sup>296\*</sup>
- reasons for the disbanding of the Aboriginal and Torres Strait Islander Care and Protection Unit<sup>297 \*</sup>
- criteria for the suitability of non-Indigenous people as carers for Aboriginal and Torres Strait Islander children<sup>298</sup>
- reports that '40 per cent of children [were] in out of home care in the ACT'.<sup>299\*</sup>

### Key issues

#### Office for Aboriginal and Torres Strait Islander Affairs

- 4.66 The Elected Body asked the directorate questions about the work of the Office for Aboriginal and Torres Strait Islander Affairs in hearings of 12 April 2017.
- 4.67 The Executive Director, Strategy, Participation and Early Intervention, told the Elected Body about the work of the Office for Aboriginal and Torres Strait Islander Affairs in relation to the ACT Budget, most particularly with regard to the most recent budget process, which had been 'the first time that the ACT Government had gone to budget cabinet with a consolidated bid' in relation to funding for Aboriginal and Torres Strait Islander people.<sup>300</sup>
- 4.68 This was referred to as 'the omnibus budget bid'. Usually directorates and ministers found 'themselves in the position of competing against each other for scarce funds'. In this case, instead, what was done 'was to go forward to cabinet with a consolidated position on a series of reforms' with respect to Aboriginal and Torres Strait Islander funding. She told the Elected Body that as a result, some reforms 'gained extra funding', while others 'were done within existing resources'. These, together, made up 'the totality of things that we are now managing' which 'arose from the last budget'.<sup>301</sup>

290 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.41–47.

291 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.41–42.

292 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.42–44. Starred items (\*) are dealt with in the section on 'Key issues' below.

293 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.44–45, 48–50.

294 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.45–47.

295 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.50–52.

296 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.54–58.

297 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.58–60.

298 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.60–61.

299 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.60–62.

300 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.42.

301 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.42.



- 4.69 The Executive Director went on to describe funding outcomes, including:
- 'an additional \$1.6 million funding' for Aboriginal and Torres Strait Islander health services<sup>302</sup>
  - '\$300,000 for a two-year pilot' for 'strengthening Ngunnawal culture and history in schools'<sup>303</sup>
  - 'about \$2 million' for the Kickstart My Career program being implemented by the Environment and Planning Directorate, which included \$1.3 million from the Confiscated Asset Trust Fund<sup>304</sup>
  - \$850,000 for a Justice Reinvestment Trial currently being 'negotiated and established with Winnunga'<sup>305</sup>
  - \$400,000 for a bail support service and a 'life skills program supporting sentencing options at the Galambany Court' and Aboriginal and Torres Strait Islander experience reports, and a further \$50,000 to go towards informing 'court sentencing practices'<sup>306</sup>
  - an amount of \$100,000 in the arts area that will be provided to 'support arts and culture and to build ... capacity'<sup>307</sup>
  - 'a position funded in the Office for Aboriginal and Torres Strait Islander Affairs which has a coordination role, to work with directorates to make sure that their initiatives have been established and to work on ... CSD initiatives'.<sup>308</sup>
- 4.70 This last item, she told the Elected Body, included responsibility for 'the establishment of [an] Aboriginal and Torres Strait Islander portal' to provide 'information about ACT Government services and grants programs'. This had not been done by 'by reinventing what is already in existence but by establishing what I am going to call a one-stop shop', which would contain 'the information or has links into the websites of other directorates so that Aboriginal and Torres Strait Islander people can go to one place to then access information about services'.<sup>309</sup>
- 4.71 The Executive Director stated that another 'very important role that the officer inside the Office for Aboriginal and Torres Strait Islander Affairs' was to 'coordinate the reporting on the implementation of the Aboriginal and Torres Strait Islander agreement' by coordinating 'traffic light reports' which were being produced 'on a quarterly basis'.<sup>310</sup>

## Child Development Service

- 4.72 Executive Director also spoke about the establishment of the Child Development Service which, she told the Elected Body, had initially been established 'as a diagnostic service when Therapy ACT was closing'. However, she noted, under the NDIS the ACT still had 'a responsibility for the clinical diagnosis of children with a disability'.<sup>311</sup>
- 4.73 She told the Elected Body that the new service had 'established fantastic outreach programs to Winnunga' and also to 'child and family centres to assist young children to enter the national disability insurance scheme', and to access early intervention services.<sup>312</sup>

302 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.42.

303 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.42.

304 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.42.

305 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.43.

306 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.43.

307 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.43.

308 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.43.

309 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.43.

310 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.43.

311 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.44.

312 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.44.



4.74 The Director, Child Development and Family Programs, went on to provide further detail about the Child Development Service.

4.75 She told the Elected Body that the Service was located at Holder. It was is a service that had a 'multi-disciplinary staff team', including occupational therapists, speech pathologists, psychologists and social workers', and there were also identified staffing positions.<sup>313</sup>

4.76 She told the Elected Body that:

What it means is that, if you have a concern about your child's development — maybe your preschool teacher has said, 'I am just not quite sure about how your child is going. Why don't you go to the child development service?' — all families are welcome and you can go in and your child can be assessed, whether you are a parent or a carer, and get some really good advice about maybe some early intervention support or whether there might be some other supports you could access to support your child's development.<sup>314</sup>

4.77 She said that:

Some of the work that we have done over the past eight months has been some really proactive outreach work with our Aboriginal-run services, Winnunga and also Gugan, and what has been important about that is that we really want to make sure that all families know about our service. But we also work on the premise that not all families are going to walk in the door. So our role is to make sure that we go out to services, we talk about what we do, we say, 'This is what is available. My staff can come out and run joint programs.' That is what we are doing with Winnunga and also with Gugan.<sup>315</sup>

4.78 She also told the Elected Body that:

What has been successful in that approach is that we are working with families that may never have come in the door of the child development service. It means that they are able to talk with our staff. Our staff are very, very skilled. One of the commitments that I have in working with my teams is that we are skilled in the way that we work with all the people. So we are culturally-proficient in the way we work with people and we are very inclusive in terms of the materials that we develop as well.<sup>316</sup>

## **Growing Healthy Families**

4.79 The Director, Child Development and Family Programs, also spoke to the Elected Body about the Growing Healthy Families program.

4.80 She told the Elected Body that:

Growing Healthy Families had been in place with the West Belconnen Child and Family Centre for a number of years and then, based on the success of that program, two budgets ago it was funded by the ACT Government for around \$1.2 million. That was to, I guess, strengthen the growing healthy families approach in the West Belconnen centre but also to build its presence in the other two child and family centres, Tuggeranong and also Gungahlin.<sup>317</sup>

4.81 She told the Elected Body that what had been 'been the cornerstone of the work that we are doing with young Aboriginal children and their families' is that the program offered 'something that is very tailored and flexible', designed to meet 'the needs and aspirations and suggestions of Aboriginal and Torres Strait Islander children and families that come through our doors'.<sup>318</sup>

313 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.44.

314 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.44.

315 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.44.

316 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, pp.44–45.

317 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, pp.45–46.

318 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.46.



4.82 This entailed using 'a multi-disciplinary team in the child and family centres', which included early childhood educators, psychologists and social workers. There was 'a very strong focus on how we best support children's development' but on supporting parents, kinship carers, or carers 'their parenting role'. This, she told the Elected Body, was 'a very strong focus of the work that we do'.<sup>319</sup>

4.83 She told the Elected Body that the program worked 'very strongly with partner organisations', as it took the view that:

the best way we can support children and their families is through linkages into universal services, triaging families into higher support services as their needs suggest and also link them into what I would call a whole lot of in-reach services that we have operating from the child and family centres.<sup>320</sup>

4.84 She told the Elected Body that the program had 'matched health colleagues in-posted into the child and family centres', and that it worked 'really well' with 'a range of community sector organisations'.<sup>321</sup>

4.85 She told the Elected Body that:

You can see when you have a family that is engaging really well with your child and family centre. What has happened over time, if I look at the outcomes, is that local Aboriginal families come in and see our centres as a hub. What has happened is that our child and family centres are seen as a base. It means that they can come in. They may not necessarily talk to their dedicated growing healthy families worker but they can talk to any of the staff very comfortably and say, 'Can you just direct me on this? I need a bit of information on this. Who is the best person to talk to about this? Can I make a suggestion about a program?'. Because of all the work that we have done in Growing Healthy Families, something that I am particularly proud of is that our centres are culturally-inclusive and seen as culturally-safe as well, and we have seen the numbers of families grow over the past few years.<sup>322</sup>

4.86 The Director went on to speak about collaboration between Growing Health Families and Koori preschools; cultural events organised by the Growing Healthy Families program; child and family centres; and a 'kids and families' program' that was 'run from the three child and family centres' during January holidays.<sup>323</sup> She also spoke about the achievements of participants in these programs.<sup>324</sup>

4.87 At this point in hearings, the Elected Body asked further questions regarding the Child Development Service.

4.88 First, the Elected Body asked what measures the service was taking to promote the service to the wider Aboriginal and Torres Strait Islander community, 'other than through Gugan and Winnunga, and bearing in mind that not all of our community access those two services'.<sup>325</sup>

4.89 The Director responded by saying that:

Certainly, we have a lot of material available in our child and family centres, and we are seeing broad connection with Aboriginal and Torres Strait Islander families through the centres. We also have some programs operating with Child Development Service staff in the Child and Family Centres. We have a website presence. But you raise a good point, in that we could do some more work in terms of broadening our communications around what we do.<sup>326</sup>

319 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.46.

320 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.46.

321 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.46.

322 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.46.

323 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, pp.46–47.

324 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.47.

325 ATSIIEB, *Proof Transcript*, 12 April 2017, p.48.

326 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.48.



- 4.90 The Elected Body also asked about confidentiality in relation to accessing the Child Development Service, noting fears of stigma if a child were to be diagnosed as under-developed, and community fears of interventions by Care and Protection and the potential for removal of children from families.<sup>327</sup>
- 4.91 The Director responded by saying that this was 'a very important issue for all families'. She told the Elected Body that:
- First of all, our staff are trained professionals. There are a whole lot of processes, procedures and guidelines on the way we treat information. We also talk with families before we provide any service to them about how their information is used. So we would be entering it on a database: their name, the name of the child and the date of birth. There are very strict controls about how we share information. When my staff go out and meet with any family, or when somebody comes in to one of the drop-in clinics, we would say, 'We're taking down your details. We enter it on the database. This is how it's to be used. It's not going to be shared'. So we take that very seriously.<sup>328</sup>
- 4.92 She also told the Elected Body that:
- The other thing is that if we are to share information, we would ask for consent from families, because it can work so well for families if you say, 'I think it would be great, if you're happy for me to call this person or this service, I'm very happy to do that'. Certainly, it is a confidential database and only a few people have access to the information. The amount of access you have is really based on your level in the organisation. We are certainly very respectful about treating information well.<sup>329</sup>
- 4.93 At this point, the Director-General also responded to the question, stating that there was 'something that is inescapable in this', which was 'responsibility of mandatory reporters where there are genuine, serious concerns' and which, he thought 'everybody understands'.<sup>330</sup>
- 4.94 When the Elected Body asked whether a referral was necessary to access the service, the Director stated that it was not as the Child Development Service was a free service, based on what which she termed 'call a universal access platform'.<sup>331</sup>
- 4.95 The Director-General went on to say that further work was being done to analyse 'barriers to various groups', primarily 'in terms of Aboriginal and Torres Strait Islander young people and families', and this would consider such questions as what could be done 'to find people', and to 'build trust in and accessibility to the very types of services that are needed to support people'.<sup>332</sup>

## Youth justice

- 4.96 The Executive Director, Child and Youth Protection Services, spoke to the Elected Body about youth justice new programs and services.
- 4.97 He told the Elected Body that 'because of the size of the cohort' many youth justice programs were 'very bespoke', that is, they were 'planned and designed around individual cohorts and individual needs' as they occurred.<sup>333</sup>
- 4.98 He told the Elected Body that Child and Youth Protection Services was, in terms of youth justice, 'at the halfway point of the ten-year strategy for the youth justice blueprint', for which this was 'the fifth year of

327 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.48–49.

328 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.49.

329 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.49.

330 Mr Michael De'Ath, *Proof Transcript*, 12 April 2017, p.49.

331 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.49.

332 Mr Michael De'Ath, *Proof Transcript*, 12 April 2017, p.50.

333 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.50.



implementation'. An 'overriding principle' of the strategy was to 'to divert and intervene early to reduce the number of young people generally in the justice system', in particularly Aboriginal and Torres Strait Islander people in the justice system. He stated that Child and Youth Protection Services had 'reported annually' on the strategy its outcomes.<sup>334</sup>

4.99 The Executive Director told the Elected Body that:

Currently, within the Bimberi Youth Justice Centre, we have partnerships with Gugan Gulwan, Winnunga and Relationships Australia to provide these bespoke services. We have also invested in a family engagement officer role that is designated Aboriginal and Torres Strait Islander, with the purpose of inputting Aboriginal and Torres Strait Islander perspectives in the management area as well as outlining the importance of kinship to all children and young people in the justice system.<sup>335</sup>

4.100 He told the Elected Body, relation to outcomes from this approach, that:

We know of some of our successes there. We know, and you will have seen published, that over the course of that time, as of last year, there was a 65 per cent reduction in Aboriginal and Torres Strait Islander young people in detention, and about a 30 per cent reduction in Aboriginal and Torres Strait Islander young people over the course of that on community-based orders.<sup>336</sup>

4.101 He also told the Elected Body that:

This has been a great story of the community getting around, opening up Bimberi and bringing that in. I have to be frank: it is a project that we need to keep on top of because the challenges change very quickly, particularly in the ACT where a relatively small cohort of young people can present really large challenges to our service system. To that end we are not happy with where we have arrived at. We will be doing a half-yearly report and we will be talking to the elected body about how we re-energise and move forward in this space. That five-year mark is in October this year, so we would be expecting to do that.<sup>337</sup>

4.102 The Executive Director went on to speak about, among other things:

- the importance of continuity and partnerships in achieving positive outcomes in this area<sup>338</sup>
- a focus in the Youth Justice Blueprint on addressing 'the issues that are a precursor to justice involvement', including childhood trauma and 'overarching intergenerational trauma from dispossession and so forth'<sup>339</sup>
- the Youth Justice Blueprint as the expression of a desire 'develop a system which minimised trauma as early as we could'<sup>340</sup>
- 'three fundamental dimensions' of 'services around strengthening high risk families', including: 'the continuum of care'; 'accountability and the setting up of the human services register and so forth'; and the High Risk Families Program.<sup>341</sup>

4.103 In relation to the High Risk Families Program, which he said was 'being delivered in conjunction with Uniting', the Executive Director told the Elected Body that there were 'a number of elements to this program':<sup>342</sup>

334 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.51.

335 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.51.

336 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.51.

337 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.51.

338 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.51.

339 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.51.

340 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.52.

341 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.52.

342 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.52.



It was always determined that this program would have a specific focus on supporting Aboriginal and Torres Strait Islander families to keep Aboriginal and Torres Strait Islander families together, to keep kids out of care and to restore children to care as soon as possible.<sup>343</sup>

4.104 He told the Elected Body that this :

The service was chosen because it had a commitment to have skilled Aboriginal and Torres Strait Islander workers working at a proportion that was the same as the client base. That is one of the important features of the child and families program. Indeed the manager of that, Jill Kelly, is a very skilled and experienced Aboriginal and Torres Strait Islander worker in this area. So we have leadership in that program and they have been doing some great work. One hundred and seven families, as of December last year, have been engaged in that program, of which 33 were Aboriginal and Torres Strait Islander families.<sup>344</sup>

4.105 The Executive Director noted that in December 2015 there had been a 'a commencing workshop to look at focusing in on how we can look at the Aboriginal and Torres Strait Islander specific outcomes', and that in 'July last year, when we were finalising the outcomes framework, we reported back to the elected body on the work that we did on that day and what impact it had'.<sup>345</sup>

4.106 He told the Elected Body that ten outcomes had been identified. These included 'the percentage of Aboriginal children at risk who, within three, six and 12 months of completing a placement prevention service—that is the child and families program—do not enter care', which meant that 'we are actually measuring whether the program is keeping young people out of care'.<sup>346</sup>

4.107 In addition, he told the Elected Body:

We are also asking the same thing of the Karinya House mother and baby unit program, again, to a three, six and 12 months duration. We are also looking at an outcome which goes to the extent that Aboriginal and Torres Strait Islander children and their families are engaging in intensive parenting support programs and how many of those are kept out of care over a period of three, six and 12 months. We are applying the same outcomes to reunification services—for those children and young people who are brought into care and are part of our program, how many get back within three, six and 12 months down the line.<sup>347</sup>

4.108 Child and Youth Protection Services was just 'about to run our first tranche of data against the outcomes that we have put', and was hoping that this would 'be available and understood so that we can start to report on those outcomes in May this year'. KPMG would be employed to 'do the external advice against that'.<sup>348</sup>

4.109 He told the Elected Body that the 'outcomes framework', 'in totality', was 'how we want to measure our success and measure the progress over time'.<sup>349</sup> However, he told the Elected Body, he would be 'very frank about the challenges over the past 12–18 months':

If I had been given some power to look at a crystal ball and to affect the future, I would have hoped beyond hope that this community was not visited with the level of family violence that it has experienced in that period of time. That has translated into a massive increase in child concern reports. These are

343 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.52.

344 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.52.

345 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.52.

346 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.53.

347 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.53.

348 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.53.

349 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.53.



unsolicited reports to us by Canberra citizens. So there has been a really significant rise in reporting. It is clear that family violence, and some aspects of drug and alcohol — changes in behaviour patterns around that — are impacted and related as well. So this reform is in the backdrop of that massive change.<sup>350</sup>

## Care and Protection

4.110 In hearings of 12 April 2017 the Elected Body asked questions regarding Care and Protection. In particular, it expressed concern at ‘high numbers of Aboriginal and Torres Strait Islander children being removed from their families and placed with non-Indigenous carers’. In particular, it asked questions as to:

- what processes [were] in place to ensure that children are returned to their families
- what cultural capabilities employees [had] around the removal of children and their knowledge of Aboriginal and Torres Strait Islander cultures
- was there appropriate cultural awareness for all staff in these areas with a focus on children and young people
- what had been the impact of the ‘development of the cultural team within care and protection’.<sup>351</sup>

4.111 In responding to these questions, the Executive Director, Child and Youth Protection Services, told the Elected Body that:

In relation to the process for children returning back, the commitment and the driver behind A Step Up for Our Kids is to prevent all children from coming into care. The more kids come into care, the worse are the outcomes for us as a system. We set the system to invest heavily in keeping children out of care. That is why, when there is a child concern report, child concern reports come in and are assessed for whether they move forward to an investigation. At that investigation stage, if there are concerns that there are not parents willing and/or able at that point in time, the process is to immediately engage with an assessment of the family. The preference, as is articulated in our legislation, is that, for Aboriginal and Torres Strait Islander kids, we look for kinship placements first up. We do that for all kids, but we have special structures within our service that are skilled in doing that.<sup>352</sup>

4.112 He told the Elected Body there were two questions asked by Child and Youth Protection Services in such circumstances.<sup>353</sup>

4.113 First, ‘can we support these children in the family’? He said that:

If we cannot, what supports can we give to get the children back as soon as possible? That is where uniting child and family programs come in, right there. That might mean Karinya House, some support there. It might mean intensive in-home support to get routines and things happening. That service is obviously one that you cannot force on people, but it is assertively and strongly engaged with at that point in time.<sup>354</sup>

4.114 The second question was should ‘we seek to look outside of the birth parents or birth families network because it is determined that there is not a parent willing or able’? He told the Elected Body that ‘our absolute first step is to look for family to have children cared for by their broader family system’, and stated that ‘We really need help around that’.<sup>355</sup>

350 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.53.

351 ATSIIEB, *Proof Transcript*, 12 April 2017, p.54.

352 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.54.

353 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.54.

354 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.54.

355 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.54.



- 4.115 'If we cannot keep the kids out of care', he told the Elected Body, 'we seek the broader family, we seek Aboriginal family, in that circumstance'. In addition, 'We seek knowledge from both the family and our cultural services team, and we seek knowledge from community members who may be involved in that circumstance'.<sup>356</sup>
- 4.116 The 'second line of carers' was foster carers and, the Executive Director told the Elected Body, the 'priority' was 'for Aboriginal and Torres Strait Islander foster carers to be the next choice'. However there were 'very few Aboriginal and Torres Strait Islander foster carers in the ACT'.<sup>357</sup>
- 4.117 'Finally', he told the Elected Body, 'we would move to non-Aboriginal and Torres Strait Islander foster carers where there were no alternatives'.<sup>358</sup>
- 4.118 Overall, he stated, there were 'about 60 per cent of the Aboriginal and Torres Strait Islander kids in kinship care', of those ['a]bout half of those' were with Aboriginal kin'. 'In terms of finding kinship placements', he told the Elected Body, the ACT was 'one of the most successful jurisdictions in regard to that', and was 'on an upward trajectory'.<sup>359</sup>

### **Disbanding of the Aboriginal and Torres Strait Islander Care and Protection Unit**

- 4.119 In hearings of 12 April 2017 the Elected Body asked questions regarding reasons for the disbanding of the Aboriginal and Torres Strait Islander Care and Protection Unit.<sup>360</sup>
- 4.120 In responding to the question, the Senior Director/Chief Operating Officer, Housing and Community Services ACT, told the Elected Body that:
- I think there was a change made in how we wanted to work with the Aboriginal community, around more face giving and support. I know there were issues that confronted our colleagues who worked in that unit, as you would know . . . about actually dealing in an environment where we were removing kids. It was a very difficult environment for people to work in.<sup>361</sup>
- 4.121 He told the Elected Body that the directorate's response had been to 'change how we were going to do business in that unit'.<sup>362</sup> These were 'difficult roles for those staff', particularly as there were 'members of the community who made it known how they felt about being involved in the care and protection agency that was out removing children, their children, their community members, their family and broader community members'.<sup>363</sup>
- 4.122 As a result, he told the Elected Body, 'there was a feeling amongst the staff and the director at the time that they may have to move into a more policy context and develop more of a cultural support and response to care and protection moving forward'.<sup>364</sup>
- 4.123 In addition, the directorate took this question as a Question Taken on Notice. It provided a written response to the question which read as follows:
- The Aboriginal and Torres Strait Islander Unit (ATSIS) ceased operating on 1 July 2013 following commencement of the new Office of Aboriginal and Torres Strait Islander Affairs (OATSIA). Prior to the

356 Dr Mark Collis, *Proof Transcript*, 12 April 2017, pp.54–55.

357 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.55.

358 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.55.

359 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.55.

360 ATSIEB, *Proof Transcript*, 12 April 2017, pp.58–60.

361 Mr Frank Duggan, *Proof Transcript*, 12 April 2017, p.59.

362 Mr Frank Duggan, *Proof Transcript*, 12 April 2017, p.59.

363 Mr Frank Duggan, *Proof Transcript*, 12 April 2017, p.59.

364 Mr Frank Duggan, *Proof Transcript*, 12 April 2017, p.59.



closure of ATSiS, the tasks and responsibilities undertaken by the unit were identified and distributed between Care and Protection Services and OATSIA.

Direct service delivery functions transferred to the Office for Children, Youth and Family Support, with Care and Protection staff continuing to support Aboriginal and Torres Strait Islander families and children in the ACT, including Wreck Bay.

The Narrabundah House Indigenous Supported Accommodation Program transferred to Youth Services with all remaining functions transferred to OATSIA.

From 1 July 2016, Care and Protection Services and Youth Justice became an integrated service, delivering the statutory functions of child protection and youth justice. Child and Youth Protection Services include a dedicated cultural services team. The cultural services team provides Child and Youth Protection Services with support and advice when working with Aboriginal and Torres Strait children, young people and their families. The team also provide assistance in engaging with other community agencies.<sup>365</sup>

### **Criteria for the suitability of non-Indigenous people**

4.124 In hearings of 12 April 2017 the Elected Body asked questions regarding criteria, and cultural awareness, for non-Indigenous people as carers for Aboriginal and Torres Strait Islander children who are under the supervision of Care and Protection.<sup>366</sup>

4.125 The Elected Body put the question in this way:

We talk about cultural awareness, cultural immersion and using the local services, but it comes back to the fact that it sounds fantastic—the immersion and the cultural proficiency around that—but it still does not meet the high numbers of kids being removed. We have staff going through all of this, which sounds fantastic to me—I am impressed—but when I look at the outcome of it on this side, we have 40 per cent of kids in care and protection. We have 60 per cent in kinship, which is fantastic, but we have 40 per cent with non-Indigenous carers. My question to care and protection here is this: whilst kin cannot take on the child and these non-Indigenous carers have these children, what cultural mechanisms do care and protection have in place to justify to you that they are carers? Ultimately, at the end of the day, you are giving them to Joe and Mary but with no cultural background. It is great creating a cultural plan but, again, that is on paper.<sup>367</sup>

4.126 In responding to the question, the Executive Director, Child and Youth Protection Services, told the Elected Body that he 'would not discount our cultural services unit'. That unit was 'continuing to grow' and was 'continuing to incubate front-line workers'. He told the Elected Body that there had not been any 'more Aboriginal and Torres Strait Islander workers in the front-line child protection space', to his my knowledge. He said that another aspect of the cultural services unit was that it supported decision-making at 'that really critical time' when children were being put into care.<sup>368</sup>

365 Mr Michael De'Ath, Answer to Question Taken on Notice, 12 April 2017, signed 10 May 2017.

366 ATSiEB, *Proof Transcript* 12 April 2017, pp.60–61.

367 ATSiEB, *Proof Transcript*, 12 April 2017, p.60.

368 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.60.



## Reports of '40 per cent of children in out of home care in the ACT'

- 4.127 In hearings of 12 April 2017, the Elected Body asked questions regarding reports that higher proportion of Aboriginal and Torres Strait Islander children were placed in out of home care in the ACT when compared with other Australian jurisdictions.<sup>369</sup>
- 4.128 This line of questioning arose in response to a recent article in *The Canberra Times*,<sup>370</sup> which among other things quoted figures from an Australian Institute of Health and Welfare report on child protection for 2015–16. The article also reported a considerable increase in the number of Aboriginal and Torres Strait Islander children placed in out of home care in the ACT in 2015–16 from the previous reporting year.<sup>371</sup>
- 4.129 In responding to questions, the Director-General told the Elected Body that:
- I think we all understand the very issues that we are talking about here. Whatever that representation figure is, it is bestowed upon this directorate through various drivers. They are things... about family violence, drugs and alcohol. There are a whole lot of parts of the system that contribute to what we ultimately receive. We would love to change that trajectory.<sup>372</sup>
- 4.130 The Director-General spoke about 'an overarching piece of work that is really important for all of us' in making a constructive response to these findings, and this was the 'outcomes framework':
- When I talk about the various parts of the system that play into this, not just CSD, it is really important that we land that piece of work on the outcomes framework, because the outcomes framework is the part that you can use and we can use through our office of Aboriginal and Torres Strait Islander affairs to hold everyone to account and to acquit against the deliverables that we see in there.<sup>373</sup>
- 4.131 He told the Elected Body that there was 'probably not a more important piece of work for us to do together, in my view', because if 'we do not do that, it will probably be that we will be sitting here in 12, 24 or 36 months' time having exactly the same conversation about the number of kids and families we are working with, only more'.<sup>374</sup>
- 4.132 In the course of this discussion, the Executive Director, Child and Youth Protection Services, was asked to clarify and confirm the data published by the Australian Institute of Health and Welfare. In responding, he told the Elected Body that:
- The AIHW report was talking about 2015–16 data. That was the representation rate. The 2015–16 year was 26 per cent. In the 2014–15 year, the year immediately prior to that, it was 27 per cent.<sup>375</sup>
- 4.133 He told the Elected Body that he was 'not doing a victory dance around that':
- We have an intractable number in the ACT, going back a decade now, which is around 25 per cent. At the moment it is really frustrating for all of us to just bang our head to get a transformational change. We should be making it a 15 per cent target.<sup>376</sup>

369 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.60–62.

370 Daniel Burdon, Kimberly Le Lievre, "Crisis levels" of Indigenous children in out-of-home care in the ACT, *The Canberra Times*, 19 March 2017, viewed 18 August 2017, available [www.canberratimes.com.au/act-news/crisis-levels-of-indigenous-children-in-outofhome-care-in-the-act-20170318-gv11zd.html](http://www.canberratimes.com.au/act-news/crisis-levels-of-indigenous-children-in-outofhome-care-in-the-act-20170318-gv11zd.html)

371 Australian Institute of Health and Welfare, *Child protection Australia 2015–16*, viewed 18 August 2017, available at: [www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129558819](http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129558819)

372 Mr Michael De'Ath, *Proof Transcript*, 12 April 2017, p.61.

373 Mr Michael De'Ath, *Proof Transcript*, 12 April 2017, pp.61–62.

374 Mr Michael De'Ath, *Proof Transcript*, 12 April 2017, p.62.

375 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.62.

376 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.62.



## Elected Body comment

### Summary

#### Written responses

- 4.134 Written responses by the CSD to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.
- 4.135 In relation to CSD's responsibility for the ACT Aboriginal And Torres Strait Islander Agreement 2015–2018, this included:
- developing, on behalf of the ACT Government, the *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* 'in partnership with the Elected Body'<sup>377</sup>
  - developing an 'Outcomes Reporting Framework', which would 'bring together all Aboriginal and Torres Strait Islander specific initiatives, relevant mainstream programs and services into the one outcome reporting framework'<sup>378</sup>
  - coordinating the whole-of-government approach to addressing 'key focus areas' through its management of the ACT Strategic Board for Aboriginal and Torres Strait Islander Affairs Subcommittee and the Implementation Reference Group<sup>379</sup>
  - administration of a number of budget appropriations, including to support greater participation by Aboriginal and Torres Strait Islander people in the ACT Public Service.<sup>380</sup>
- 4.136 In relation to CSD's responsibility for data collection, this included:
- development of a Common Dataset for human services, a 'deliverable' under the 'Human Services Blueprint', and 'one of the key products supporting information sharing across the human services system and the demonstration of outcomes for Aboriginal and Torres Strait Islander peoples in the ACT'<sup>381</sup>
  - management of the 'Australian Early Development Census (AEDC)', a 'triennial, national census [which measured] the development of children in their first year of school'.<sup>382</sup>
- 4.137 In relation to CSD's responsibility for Strengthening Families, this included:
- providing 'support for 70 families (322 individual family members) during the two-year trial of the initiative from July 2014 to June 2016', of which '24 per cent were Aboriginal and Torres Strait Islander families', amounting to '99 family members'.<sup>383</sup>
- 4.138 In relation to CSD's responsibility for youth justice, this included:
- 'leveraging off functional elements of the Strengthening Families approach in the Justice Reinvestment Trial', which was 'a collaborative response to address over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system'<sup>384</sup>

377 CSD, Response to ATSIIEB generic questions, April 2017, p.1.

378 CSD, Response to ATSIIEB generic questions, April 2017, p.1.

379 CSD, Response to ATSIIEB generic questions, April 2017, p.1.

380 CSD, Response to ATSIIEB generic questions, April 2017, p.27

381 CSD, Response to ATSIIEB generic questions, April 2017, p.2.

382 CSD, Response to ATSIIEB generic questions, April 2017, p.3.

383 CSD, Response to ATSIIEB generic questions, April 2017, p.2, and see also p.18, p.22.

384 CSD, Response to ATSIIEB generic questions, April 2017, p.2.



- reductions in contact with the criminal justice system by Aboriginal and Torres Strait Islander young people as a result of the *Blueprint for Youth Justice in the ACT 2012–22*.<sup>385</sup>

4.139 In relation to CSD's responsibility for out of home care, this included:

- carriage of the 'Step Up for Our Kids' program, the ACT Government's 'five-year reform strategy for out of home care services', with a 'a specific focus on keeping Aboriginal and Torres Strait Islander families together with a view to specifically reduce the amount of Aboriginal and Torres Strait Islander children coming into care'<sup>386</sup>

4.140 In relation to CSD's responsibility for housing, this included:

- the creation of '67 new Aboriginal and Torres Strait Islander public housing tenancies' in 2015–16, comprising '11 per cent of all new tenancies'<sup>387</sup>
- responsibility for, as at 30 June 2016, '894 Aboriginal and Torres Strait Islander public housing tenancies, housing a total of 1,949 Aboriginal and Torres Strait Islander residents'<sup>388</sup>
- funding allocations for 'the construction of suitable and culturally appropriate accommodation for Aboriginal and Torres Strait Islander people to "age in place" ' and 'to address Aboriginal and Torres Strait Islander households experiencing housing stress, namely overcrowding'<sup>389</sup>
- responsibility for the 'Indigenous Boarding House Network', the 'Home Maintenance Program', and the the 'Housing Liaison Service'.<sup>390</sup>

4.141 In relation to CSD's responsibility for the NDIS, this included:

- targeted attention, since 2013, 'to ensure that ACT Aboriginal and Torres Strait Islander community members have the best chance of accessing the supports and services they are entitled to under the NDIS; and that those supports and services are better positioned to meet their needs'<sup>391</sup>
- work with 'colleagues in Justice and Community Safety and the Health Directorate (Mental Health Unit) to facilitate the effective engagement of NDIS outreach workers into the Alexander Maconochie Centre'.<sup>392</sup>

## Hearings

4.142 Matters which were considered in some detail in hearings included the following.

4.143 In relation to the Office for Aboriginal and Torres Strait Islander Affairs,<sup>393</sup> the Elected Body and representatives of the directorate discussed, among other things, the fact that the most recent budget was 'the first time that the ACT Government had gone to budget cabinet with a consolidated bid' in relation to funding for Aboriginal and Torres Strait Islander people.<sup>394</sup>

385 CSD, Response to ATSIEB generic questions, April 2017, p.5, and see also p.26.

386 CSD, Response to ATSIEB generic questions, April 2017, p.5 and see also p.12, p.20.

387 CSD, Response to ATSIEB generic questions, April 2017, p.6.

388 CSD, Response to ATSIEB generic questions, April 2017, p.6.

389 CSD, Response to ATSIEB generic questions, April 2017, p.7.

390 CSD, Response to ATSIEB generic questions, April 2017, p.25.

391 CSD, Response to ATSIEB generic questions, April 2017, p.8.

392 CSD, Response to ATSIEB generic questions, April 2017, p.8.

393 ATSIEB, *Proof Transcript*, 12 April 2017, pp.42–44.

394 Ms Maureen Sheehan, *Proof Transcript*, 12 April 2017, p.42.



- 4.144 In relation to the Child Development Service,<sup>395</sup> the Elected Body and representatives of the directorate discussed, among other things, the history of the Child Development Service, its composition and practice, and matters regarding confidentiality.<sup>396</sup>
- 4.145 In relation to the Growing Healthy Families program,<sup>397</sup> the Elected Body and representatives of the directorate discussed, among other things, the history and composition of the program.<sup>398</sup>
- 4.146 In relation to youth justice and Aboriginal and Torres Strait Islander young people,<sup>399</sup> the Elected Body and representatives of the directorate discussed: third-party organisations providing services at Bimberi Youth Justice Centre; reductions in the numbers of Aboriginal and Torres Strait Islander young people held at Bimberi; the operation and significance of the Youth Justice Blueprint; and the High Risk Families program.<sup>400</sup>
- 4.147 In relation to Care and Protection and Aboriginal and Torres Strait Islander children,<sup>401</sup> the Elected Body and representatives of the directorate discussed, among other things: procedures observed when placing Aboriginal and Torres Strait Islander children in care; efforts to place children, if necessary, with persons in the wider family; and cultural appropriateness and skills of non-Indigenous foster carers.<sup>402</sup>
- 4.148 In relation to reasons for the disbanding of the Aboriginal and Torres Strait Islander Care and Protection Unit,<sup>403</sup> the Elected Body and representatives of the directorate discussed, among other things, stress and potential conflicts of interest for Aboriginal and Torres Strait Islander that had arisen staff in the former ATSI unit in dealing with family matters in the ACT Aboriginal and Torres Strait Islander community.<sup>404</sup>
- 4.149 In relation to reports that '40 per cent of children [were] in out of home care in the ACT',<sup>405</sup> the Elected Body and representatives of the directorate discussed, among other things, 'intractable' high rates of out of home care in the ACT,<sup>406</sup> and underlying causes for this.<sup>407</sup>

395 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.44–45, 48–50.

396 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.44.

397 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.45–47.

398 Ms Melanie Saballa, *Proof Transcript*, 12 April 2017, p.49.

399 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.54–58.

400 Dr Mark Collis, *Proof Transcript*, 12 April 2017, pp.50–51.

401 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.54–58.

402 Dr Mark Collis, *Proof Transcript*, 12 April 2017, pp.54–55.

403 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.58–60.

404 Mr Frank Duggan, *Proof Transcript*, 12 April 2017, p.59, and see also Mr Michael De'Ath, Answer to Question Taken on Notice, 12 April 2017, signed 10 May 2017.

405 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.60–62.

406 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.62.

407 Mr Michael De'Ath, *Proof Transcript*, 12 April 2017, p.61.



## Elected Body views and recommendations

- 4.150 The Elected Body notes that the CSD has carriage of a number of programs and services critical to the wellbeing of Aboriginal and Torres Strait Islander people in the ACT.
- 4.151 The Elected Body also notes the critical importance of the work done by Gugan Gulwan Youth Aboriginal Corporation and Winnunga Nimmityjah Aboriginal Health Service, and the challenges these services have experienced in connection with premises.
- 4.152 In light of this the Elected Body makes the following recommendation.

### RECOMMENDATION 4

- 4.153 **The Elected Body recommends that given Gugan Gulwan Youth Aboriginal Corporation and Winnunga Nimmityjah Aboriginal Health Service are relied upon to provide a number of ACT Government programs and critical services to the wellbeing of Aboriginal and Torres Strait Islander people in the ACT, that the directorate work with CMTEDD and other directorates to ensure that both organisations have premises that are fit for purpose to provide these programs and critical services.**
- 4.154 Elsewhere, the highest priority, in the view of the Elected Body, is out of home care for Aboriginal and Torres Strait Islander children. The Elected Body was extremely concerned at reported increases in numbers of Aboriginal and Torres Strait Islander children in out of home care from the 2014–15 to 2015–16 reporting years.
- 4.155 While the Elected Body is aware that percentage variations on figures in the ACT should be treated with caution due to the ACT's small size compared with other jurisdictions, out of home care has been an ongoing issue in the ACT, the subject of a number of reports and media articles.<sup>408</sup>
- 4.156 For a number of reasons, the Aboriginal and Torres Strait Islander community has a special interest in this area, not least because Aboriginal and Torres Strait Islander children are at higher risk of spending time in the child protection system. The Elected Body's special interest in this area was reflected in its questions regarding child protection practice and cultural matters, among other things, during hearings.
- 4.157 The Elected Body notes the comments of the Director-General on this matter, in which he highlighted the complex mix of 'drivers' which contribute to exposure of Aboriginal and Torres Strait Islander children to the child protection system.<sup>409</sup>
- 4.158 The Elected Body notes that in his comments, the Director-General stressed the importance of the Outcomes Reporting Framework, developed and managed by the Office of Aboriginal and Torres Strait Islander Affairs, as a means to 'hold everyone to account' in relation to all of the agencies and sub-agencies involved in this complex picture.<sup>410</sup>

408 For reports, see for example Auditor-General, Care and Protection System, Report No.1 of 2013, available at: [www.audit.act.gov.au/auditreports/reports2013/Report%201%202013%20Care%20and%20Protection%20System.pdf](http://www.audit.act.gov.au/auditreports/reports2013/Report%201%202013%20Care%20and%20Protection%20System.pdf), Cheryl Vardon, (2004) *The Territory as parent: review of the safety of children in care in the ACT and of ACT child protection management* and Gwenn Murray, (2004) *The territory's children: ensuring safety and quality care for children and young people: report on the audit and case review*. For media articles see for example Sherryn Groch, 'Distressing: number of ACT kids in care on rise despite reforms', *The Canberra Times*, 13 September 2017, p.1; Noel Towell, 'Fears child-protection system failing', *The Canberra Times*, 26 April 2012, p.1; and Ben Doherty, 'More children placed in care', *The Canberra Times*, 24 August 2005, p.4.

409 Mr Michael De'Ath, *Proof Transcript*, 12 April 2017, pp.61–62.

410 Mr Michael De'Ath, *Proof Transcript*, 12 April 2017, pp.61–62.

- 4.159 Within this in mind, the Elected Body looks forward to the delivery of the outcomes framework, and to the substantial efforts that should follow as agencies and sub-agencies report their progress in responding to the drivers which place Aboriginal and Torres Strait Islander children at increased risk of being placed under protection.
- 4.160 The Elected Body takes the view that in order for Outcomes Reporting Framework to be effective it will require solid support from the ACT Government so as to ensure high standards of compliance, in reporting and in taking practical steps to meet requirements.
- 4.161 In light of this, the Elected Body makes the following recommendation.

## RECOMMENDATION 5

- 4.162 **The Elected Body recommends that the ACT Government provides, as a high priority, support for the Outcomes Reporting Framework developed and maintained by the Office for Aboriginal and Torres Strait Islander Affairs, and that it ensures that agencies and sub-agencies comply with reporting requirements and in taking practical actions to address shortfalls in programs and services monitored under the framework.**
- 4.163 The Elected Body takes the view that the outcomes framework will, as a reporting tool extending over a number of different parts of government activity, will need to change over time if it is to be an effective tool for monitoring and holding government agencies to account regarding programs and services for Aboriginal and Torres Strait Islander people in the ACT.
- 4.164 In light of this, the Elected Body makes the following recommendation.

## RECOMMENDATION 6

- 4.165 **The Elected Body recommends that the ACT Government ensure that sufficient resources are available to the Office for Aboriginal and Torres Strait Islander affairs so that its outcomes framework can be adapted, refined, and kept up-to-date as a result of assessment of its effectiveness, and in response to changes in conditions relevant to Aboriginal and Torres Strait Islander people in the ACT.**

## 5 ENVIRONMENT AND PLANNING DIRECTORATE



### Introduction

- 5.1 Officers of the Environment and Planning Directorate (EPD) appeared before the ATSIEB in hearings of 12 April 2017.
- 5.2 The directorate's responses to the Elected Body's generic questions, and witness testimony from hearings, are considered below.

### Responses to generic questions

#### 1 Equitable access and increased impact

- 5.3 In relation to the first generic question, the directorate in its written response stated that 'areas of success' for the year had been:
  - ACT regional natural resource management (NRM) programs, which continued 'to help the community develop cultural and land management skills, including through collaboration with the justice, health and education sectors'
  - ACT Heritage, in 'conserving cultural heritage places and objects'
  - the Water Catchment Policy team, in 'working to have cultural values implemented into the future ACT Water Resource Plan' and 'recognising Traditional Custodians should be represented at regional meetings with the Murray Darling Basin Authority'.<sup>411</sup>
- 5.4 The response also referenced:
  - the work of the ACT Aboriginal NRM Facilitator
  - work by the Water Catchment Policy team on the *ACT Water Resource Plan*, including 'Chapter 13—Indigenous Values and Uses' that will help protect culturally significant sites and identify opportunities relating to river systems in the ACT', and the conduct of 'field days and workshops with Traditional Custodians workshopping action items to support cultural values in water planning and implementation'.<sup>412</sup>

#### 2 Implement ACT Aboriginal and Torres Strait Islander Agreement

- 5.5 In relation to the second generic question, the directorate in its written response referenced the 'Kickstart My Career' program which, it advised the Elected Body:

supports education, cultural identity and leadership outcomes of the agreement. Kickstart is a joint initiative with the Education Directorate, Community Services Directorate and CIT's Yuruana Centre from the 2016–17 ACT Government Budget.<sup>413</sup>

<sup>411</sup> Environment and Planning Directorate (EPD), Response to ATSIEB generic questions, April 2017, p.1.

<sup>412</sup> EPD, Response to ATSIEB generic questions, April 2017, p.1.

<sup>413</sup> EPD, Response to ATSIEB generic questions, April 2017, p.2.



- 5.6 The response advised the Elected Body that:
- Kickstart aims to support Aboriginal and Torres Strait Islander students who are at risk of leaving school by engaging them through short (one-day) 'tasters' and longer (10-week) flexible learning options (FLOs) using culture and land management and other culturally appropriate ways to reengage students [and which] contribute to the attainment of skills and qualifications by students.<sup>414</sup>
- 5.7 The response noted that '[m]uch of the teaching' for the program 'is done outdoors and involves Aboriginal Elders and knowledgeable community members'.<sup>415</sup>
- 5.8 In addition, the program was 'investigating how young people from Bimberi, the Restorative Justice Program, and other programs working with at risk youth, may be able to access Kickstart'.<sup>416</sup>
- 5.9 The response also advised the Elected Body that the Aboriginal NRM Facilitator program supported 'cultural identity, connecting the community, and feeling safe outcomes', and that 'a particularly strong focus of the program' was to 'to support a number of actions within the *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–2018*, including:
- 'outings for the Winnunga Men's Group including sessions on how to map and GPS cultural sites; understanding different cultural landscapes; heritage site identification; good and bad examples of managing heritage sites; understanding kinship (roles and responsibilities); and plant identification'<sup>417</sup>
  - 'Didgeridoo Making Workshops in partnership with Burrunju Art Gallery, Winnunga Nimmityjah and Gugan Gulwan focussing on a safe cultural environment where men can learn how to make and play the didgeridoo'<sup>418</sup>
  - Culture and Land Management (CALM) Program at the Alexander Maconachie Centre which continued 'to run successfully' and involved 'identifying bushfoods and native species', among other things, in addition to other activities.<sup>419</sup>

### **3 Aboriginal and Torres Strait Islander organisations and community**

- 5.10 In relation to the third generic question, the directorate in its written response stated that:
- The Aboriginal NRM Facilitator engaged a number of Indigenous organisations, businesses and community in the delivery of Aboriginal NRM projects. These include: Burrunju Art Gallery, Winnunga Nimmityjah, Thunderstone Aboriginal Land Management, Culture on the Move, Sacred Era, Traditional Owners Aboriginal Corporation, Sandhills Artefacts, SEED Indigenous Youth Climate Network, Ngambri Local Aboriginal Land Council, Onerwal Local Aboriginal Land Council, Buru Ngunawal Aboriginal Corporation, Little Gudgenby River Tribal Council, Mulanggang Traditional Aboriginal Landcare Group, Dharwra Aboriginal Cultural Tours and Murray Lower Darling Indigenous River Nations.<sup>420</sup>
- 5.11 It went on to say that:
- ACT Heritage continues consulting Buru Ngunawal Aboriginal Corporation, Little Gudgenby River Tribal Council, Ngarigu Currawong Clan and the United Ngunnawal Elders Council on cultural heritage matters.<sup>421</sup>

414 EPD, Response to ATSIEB generic questions, April 2017, p.2.

415 EPD, Response to ATSIEB generic questions, April 2017, p.2.

416 EPD, Response to ATSIEB generic questions, April 2017, p.2.

417 EPD, Response to ATSIEB generic questions, April 2017, p.2.

418 EPD, Response to ATSIEB generic questions, April 2017, p.2.

419 EPD, Response to ATSIEB generic questions, April 2017, p.3.

420 EPD, Response to ATSIEB generic questions, April 2017, p.3.

421 EPD, Response to ATSIEB generic questions, April 2017, p.3.



#### 4 Increased knowledge of the agreement amongst staff

5.12 In relation to the fourth generic question, the directorate in its written response stated that:

The agreement is widely circulated to all staff. Staff who are Aboriginal and/or Torres Strait Islander and those who work in areas that relate to the agreement like Parks and Conservation Services (PCS) and NRM are more familiar and also help communicate the focus areas identified in the agreement.<sup>422</sup>

#### 5 Aboriginal and Torres Strait Islander staff profile

5.13 In relation to the fifth generic question, the directorate in its written response stated that: the current number of Aboriginal and Torres Strait Islander employees was 18, comprising 3.06 per cent of the directorate's workforce; the number of identified positions was ten; and gender distribution comprised nine male and nine female employees.<sup>423</sup>

5.14 The response provided the following information<sup>424</sup> regarding classifications of Aboriginal and Torres Strait Islander employees:

Classification	No.
Administrative Services Officer 2	1
Administrative Services Officer 3	1
Administrative Services Officer 4	1
Administrative Services Officer 5	3
Administrative Services Officer 6	2
General Service Officer 5–6	3
General Service Officer 7	1
Senior Officer C	2
Professional Officer 2	1
Park Ranger 2	1
Senior Park Ranger 3	1
Technical Officer 3	1
<b>Total</b>	<b>18</b>

5.15 In relation to professional development and retention opportunities the response indicated, among other things, that:

- 'All EPSDD staff are required to complete a Performance Plan through the ACTPS Performance Framework which identifies professional development opportunities'
- 'Retention opportunities are provided through various programs including the provision of HDA opportunities, studies assistance and flexible working arrangements'.<sup>425</sup>

5.16 The response also provided details of training provided to Aboriginal and Torres Strait Islander employees.<sup>426</sup>

422 EPD, Response to ATSIEB generic questions, April 2017, p.3.

423 EPD, Response to ATSIEB generic questions, April 2017, p.4.

424 EPD, Response to ATSIEB generic questions, April 2017, p.4.

425 EPD, Response to ATSIEB generic questions, April 2017, p.4.

426 EPD, Response to ATSIEB generic questions, April 2017, pp.4–5.



- 5.17 In relation to efforts to increase Aboriginal and Torres Strait Islander representation, the response advised of:
- the directorate's participation in 'the whole-of-government programs such as the Aboriginal and Torres Strait Islander Traineeship', in which a Directorate trainee 'successfully completed her traineeship and was appointed to a permanent ASO 2 position'
  - elements of the directorate's 'Recruitment Clearance Action Form' which obliged staff completing the form to consider the 'targeted recruitment of Aboriginal and Torres Strait Islander People'.<sup>427</sup>

## 6 Aboriginal and Torres Strait Islander leadership

- 5.18 In relation to the sixth generic question, the directorate in its written response stated that all vacancies were 'subject to a merit selection process', and that the directorate was 'in the process of recruiting two new SOGC positions', comprising:
- '1 SOGC position with ACT NRM will manage the Kickstart My Career program
  - 1 SOGC position in Parks and Conservation Service will manage the Aboriginal Programs team'.<sup>428</sup>

## 7 Focused and effective services

- 5.19 In relation to the seventh generic question, the directorate in its written response stated, among other things, that the Aboriginal NRM Facilitator had 'developed a work program based on community feedback' by:
- 'developing cultural and NRM programs aimed at health and justice areas like the Winnunga Men's Group outings
  - providing the cultural and land management components to the Culture and Land Management (CALM) program at AMC along with Greening Australia, Campbell-Page and Corrective Services (CS). CALM assists Aboriginal and Torres Strait detainee's in gaining accredited and non accredited qualifications in conservation and land management
  - driving an Aboriginal land management program at Alexander Maconochie Centre
  - creating partnerships for Ngunnawal and other Indigenous owned businesses (relating to Country and culture) like Thunderstone, Culture on the Move and the Traditional Owners Aboriginal Corporation
  - providing advice to Traditional Custodians on options protecting significant cultural heritage sites
  - meditating sensitive situations with Traditional Custodians, ACT Government and wider Aboriginal and Torres Strait Islander community
  - helping traditional knowledge being transferred from elders to youth like the Didgeridoo Making Workshops
  - facilitating with the Murray Lower Darling River Indigenous Nations working to seek a Ngunnawal representative'.<sup>429</sup>
- 5.20 The response also referenced relevant actions in relation to ACT Heritage Grants and Aboriginal heritage, and ACT Environment Grants which, the response advised, had resulted in 'an increased focus on including aboriginal outcomes', which was 'reflected in their guidelines'.<sup>430</sup>

427 EPD, Response to ATSIEB generic questions, April 2017, p.5.

428 EPD, Response to ATSIEB generic questions, April 2017, p.5.

429 EPD, Response to ATSIEB generic questions, April 2017, pp.5–6.

430 EPD, Response to ATSIEB generic questions, April 2017, p.6.



## **8 Effective policy development and policy impact**

5.21 In response to the eighth generic question, the directorate stated that:

The ACT Heritage Council, building on its endorsement of its Cultural Heritage Reporting Policy, continues to develop policies concerning the repatriation of Aboriginal artefacts, consultation with Representative Aboriginal Organisations (RAO's) and methodological requirements for archaeological investigations in the ACT.<sup>431</sup>

## **9 Budget allocations to programs, services and clients**

5.22 In relation to the ninth generic question, the directorate in its written response stated that:

\$151,133 (2016–17 FY) has been allocated to support Aboriginal NRM in the ACT including the employment of the Aboriginal NRM Facilitator, an operational budget and money to catchment groups on Aboriginal NRM.<sup>432</sup>

5.23 It went on to say that:

\$76,000 has been allocated to the conservation and interpretation of an Aboriginal scarred tree, currently located at the Outward Bound complex, Tharwa. Conservation will stabilise and preserve remaining sections of the cultural tree, which will be moved to the Namadgi National Park Visitor's Centre, where on-site interpretation will share the history and significance of the tree, and more broadly, the Aboriginal history and heritage of the ACT.<sup>433</sup>

## **10 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff**

5.24 In relation to the tenth generic question, 'What has your Directorate specifically done for your Aboriginal and Torres Strait Islander staff to provide access to peer support, mentoring and coaching?', the directorate in its written response stated that:

EPSDD understands certain community-based roles can be stressful and create burnout. To prevent this EPSDD supports mentoring and support networks. All Aboriginal and Torres Strait Islander staff that identify generally network with regular catch ups organised by senior Aboriginal staff to allow time for mentoring and peer support.<sup>434</sup>

## **11 A specific Aboriginal and Torres Strait Islander Staff Network**

5.25 In relation to the eleventh generic question, the directorate in its written response stated that:

The PCS has a network of Aboriginal staff named the Murrumbung Rangers who meet regularly to work on cultural related projects. Every last Friday of each month Aboriginal staff from NRM, Nature Conservation and Heritage are invited to spend the day with the Murrumbung Rangers. These days can be used as training, scoping future projects, showcasing current work or seeking support on projects.<sup>435</sup>

## **12 Support for staff to participate in the Murranga Murranga Employee Network**

5.26 In relation to the twelfth generic question, 'the directorate in its written response stated that 'Aboriginal and Torres Strait Islander staff are supported to attend Murranga Murranga meetings'.<sup>436</sup>

431 EPD, Response to ATSIEB generic questions, April 2017, p.7.

432 EPD, Response to ATSIEB generic questions, April 2017, p.7.

433 EPD, Response to ATSIEB generic questions, April 2017, p.7.

434 EPD, Response to ATSIEB generic questions, April 2017, p.7.

435 EPD, Response to ATSIEB generic questions, April 2017, p.7.

436 EPD, Response to ATSIEB generic questions, April 2017, p.8.



5.27 It went on to say that:

Aboriginal and Torres Strait Islander staff are also supported to attend other support networks (i.e. Aboriginal NRM Facilitator attending the Aboriginal Support Network with NSW Local Land Services and PCS staff to attend the Aboriginal network in NSW National Parks and Wildlife Service).<sup>437</sup>

### **13 Aboriginal and Torres Strait Islander Cultural Awareness Training**

5.28 In relation to the thirteenth generic question, the directorate in its written response stated that it had 'held one cultural awareness training session in the reporting period', which 11 staff had attended, including one executive. It also stated that two officers had attended a 'Cultural Journey presented by Curijo Pty Ltd in February 2016'.<sup>438</sup>

### **14 Cultural training for Director-General and senior executives**

5.29 In relation to the fourteenth generic question, the directorate in its written response stated that:

The EPSDD RAP Working Group will provide further opportunities for all staff and executives to attend future Cultural Awareness activities in line with our Innovate RAP currently being developed.<sup>439</sup>

## **Hearings**

5.30 Officers of the EPD appeared before the Elected Body in Hearings of 12 April 2017.

## **Matters considered**

5.31 Matters considered in the course of the hearings included:

- the Kickstart program<sup>440\*</sup>
- a 'waterways assessment'<sup>441\*</sup>
- transitional arrangements for staff from the former TAMS (Territory and Municipal Services) Directorate<sup>442</sup>
- consultation with United Ngunnawal Elders Council on 'cultural and heritage matters'<sup>443</sup>
- the Aboriginal NRM Facilitator<sup>444\*</sup>
- a recruitment and retention strategy to employ more Aboriginal and Torres Strait Islander people<sup>445</sup>
- a proposal for the Sullivan's Creek corridor<sup>446</sup>
- whether there would be a review of the *Heritage Act 2004* with a view to extending consultation and engagement processes to include traditional custodians.<sup>447</sup>

437 EPD, Response to ATSIIEB generic questions, April 2017, p.8.

438 EPD, Response to ATSIIEB generic questions, April 2017, p.8.

439 EPD, Response to ATSIIEB generic questions, April 2017, p.8.

440 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.78-81. Starred items (\*\*) are dealt with in the section on 'Key issues' below.

441 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.78-79.

442 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.81-84.

443 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.84-85.

444 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.85-88.

445 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.88-89.

446 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.89, 90.

447 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.89-91.



## Key issues

### Kickstart program

- 5.32 In hearings of 12 April 2017 the Elected Body asked questions regarding new programs and services. In responding, the directorate spoke about the Kickstart program.<sup>448</sup>
- 5.33 The Executive Director, Environment, told the Elected Body that this was 'a very new program', targeting 'at-risk youth in schools'. There were 'a number of facets to the program':
- It targets students that are in different age groups and it takes different approaches to those different age groups. The idea is to give the students exposure to the management of natural resources, in particular managing country, things like growing plants. They go out on country on field trips. It is trying to help them to reconnect to country. There are different learning options that they can take up, so it is quite a flexible program in that way, hence the name 'flexible learning options', the FLO program. That is for the older students. They can work through a nine-week program, and ultimately that will count towards some qualification in the future.<sup>449</sup>
- 5.34 She told the Elected Body that for younger children there was 'a shorter exposure to a similar activity': they 'get a bit of a taste of what it would be like to undertake these longer programs', and this was 'preparing them for future opportunities'.<sup>450</sup>
- 5.35 She told the Elected Body that this was a 'collaborative program' which involved the Environment, Planning and Sustainable Development, Education and Community Services Directorates and CIT, and that all of these were 'contributing financially to the program'.<sup>451</sup>

### Waterways assessment

- 5.36 The Executive Director, Environment, told the Elected Body that the Waterways Assessment was 'a relatively new initiative' which had 'come about through the development of a water resource plan', as the ACT was obliged to do under the Murray–Darling Basin Agreement.<sup>452</sup>
- 5.37 She told the Elected Body that:
- When we are developing that plan, we need to involve the traditional custodians in the development of the plan and also in the implementation of the plan. An important part is to work with traditional custodians and to go out on country and look at different sites, sites of their choosing that we go to; to assess those sites for their cultural values and their cultural uses, traditional and contemporary; and, importantly, to understand what objectives and outcomes traditional people might have for those particular sites and actually implement those actions. It is very much about an involvement all the way through the planning and the identification of the values and then the implementation of actions.<sup>453</sup>
- 5.38 She told the Elected Body that, to-date, three field trips had been undertaken to 18 different sites. A component of that was the 'Aboriginal Waterways Assessment', which was 'a tool to help people work through different questions so that they can arrive at a bit of a score, an assessment or a rating on the cultural significance of that site'.<sup>454</sup>

448 ATSIIEB, *Proof Transcript*, 12 April 2017, pp.78–81.

449 Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.78.

450 Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.78.

451 Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.78.

452 Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.78.

453 Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.78.

454 Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.79.



- 5.39 She told the Elected Body that feedback on the program had been ‘really positive’. Further field trips were planned, ‘to continue to go out on country, to increase the number of sites that are assessed and to go back and reassess sites’. This would be followed by putting ‘management actions in place’, which would later be assessed for their effectiveness.<sup>455</sup>

### **Work of the Aboriginal NRM Facilitator**

- 5.40 In hearings, the Elected Body asked for an update on the work of the Aboriginal NRM Facilitator. In particular, the Elected Body asked whether a program associated with NRM Facilitator had been offered to female detainees at the Alexander Maconochie Centre (AMC).<sup>456</sup>

- 5.41 In responding, the Executive Director, Environment, told the Elected Body:

We have not been able to run a women’s program. Last year we might have outlined the issues not only of women wanting to come forward and be involved but also some security issues. We have not been able to resolve those. Unfortunately, at the moment it is still just a men’s program.<sup>457</sup>

- 5.42 She told the Elected Body that the program had:

It has engaged up to 20 Aboriginal and Torres Strait Islander detainees. The sort of topics they go through is looking at scarred trees, growing native plants. At the moment they are growing native forbs — herbaceous plants rather than trees. They are really enjoying that, I think. They are also identifying bush tucker plants and processing native seeds so that they can germinate better. That has been quite a steady program. Of course, it is in partnership with Greening Australia. So that will continue.<sup>458</sup>

- 5.43 The Elected Body asked whether the program would be expanded so that there would be benefits for detainees after release from the AMC, by means of establishing partnerships with other elements of the ACT public sector.<sup>459</sup>

- 5.44 In responding, the Executive Director, Environment, told the Elected Body that this was ‘the outcome we would be looking for: reintegration, if I could use that term, and employment’:

Certainly, we would work, and we do work, across directorates to try to get the best outcomes. [The NRM Facilitator] works quite closely with JACS on some of these issues, and TCCS is another good candidate where there is good potential to realise these outcomes. So we are absolutely open to doing that.<sup>460</sup>

- 5.45 The Elected Body also asked questions about the funding and longevity of the position of the Aboriginal NRM Facilitator.<sup>461</sup>

- 5.46 In responding, the Executive Director, Environment, told the Elected Body that:

It is funded by the Commonwealth and that funding program finishes in 2018. We expect that program will be continued, particularly for Aboriginal NRM. The funding comes in lots of three years, so we are hoping that that will continue on.<sup>462</sup>

455 Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.79.

456 ATSIEB, *Proof Transcript*, 12 April 2017, p.85.

457 Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.86.

458 Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.86.

459 ATSIEB, *Proof Transcript*, 12 April 2017, p.86.

460 Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.86.

461 ATSIEB, *Proof Transcript*, 12 April 2017, p.88.

462 Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.89.



5.47 The Deputy-Director-General also responded to the question. He told the Elected Body that this was 'fairly typical for a lot of the NRM partnerships that we enter into with the commonwealth', and that the directorate was 'used to bidding and rebidding' for funding for such positions.<sup>463</sup>

## Elected Body comment

### Summary

#### Written responses

- 5.48 Written responses by the EPD to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.
- 5.49 The written responses indicated the following in answering the generic questions:
- ACT regional NRM programs<sup>464</sup>
  - the work of ACT Heritage in 'conserving cultural heritage places and objects'<sup>465</sup>
  - the work of the Water Catchment Policy team<sup>466</sup>
  - the work of the ACT Aboriginal NRM Facilitator<sup>467</sup>
  - the 'Kickstart My Career' program<sup>468</sup>
  - the operation of a 'network of Aboriginal staff named the Murrumbung Rangers who meet regularly to work on cultural related projects'.<sup>469</sup>

#### Responses in hearings

- 5.50 Matters which were considered in some detail in hearings included:
- the 'Kickstart My Career' program<sup>470</sup>
  - a 'Waterways Assessment' program<sup>471</sup>
  - the work of the Aboriginal NRM Facilitator<sup>472</sup>

463 Mr Gary Rake, *Proof Transcript*, 12 April 2017, p.89.

464 EPD, Response to ATSIEB generic questions, April 2017, p.1.

465 EPD, Response to ATSIEB generic questions, April 2017, p.1.

466 EPD, Response to ATSIEB generic questions, April 2017, p.1.

467 EPD, Response to ATSIEB generic questions, April 2017, pp.1, 3, 4, 5, and 6.

468 EPD, Response to ATSIEB generic questions, April 2017, p.2.

469 EPD, Response to ATSIEB generic questions, April 2017, p.7.

470 ATSIEB, *Proof Transcript*, 12 April 2017, pp.78–81.

471 Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.78.

472 *Proof Transcript*, 12 April 2017, p.85.



## Elected Body views and recommendations

- 5.51 The Elected Body notes the prominence given to the work of the Aboriginal NRM Facilitator in the directorate's responses, both to written questions and to questions put in hearings.
- 5.52 As in previous years' hearings, it is clear to the Elected Body that the role of the NRM Facilitator is quite significant in the directorate's efforts in relation to Aboriginal and Torres Strait Islander people. Much appears to depend on this position, and the availability of a suitable person to fill it.
- 5.53 However, in the view of the Elected Body this is not consistent with the funding and other structural arrangements in place for the position.
- 5.54 In relation to funding, the position continues to be supported by Commonwealth funding which, the Elected Body was advised, is scheduled to expire in 2018.<sup>473</sup> The Elected Body takes the view that that in view of the success of the NRM Facilitator position funding should transition from Commonwealth funding in response to grants applications to ongoing funding from the ACT Government.
- 5.55 In relation to structural arrangements, the work of the Aboriginal NRM Facilitator currently spans a number of different activities. There should be greater organisational depth supporting the position so that the program is less at risk if current staff choose to move to another place or position. There should be opportunities for less senior staff to be exposed to the current good work and skills of the Aboriginal NRM Facilitator so that they could be considered either for that position or for a place in an expanded program in the future.
- 5.56 Without these changes, the role of the Aboriginal NRM Facilitator is at risk from a dynamic that affects positions supporting Aboriginal and Torres Strait Islander people across Australia: that they rely on short-term, grants-based funding and that they rely heavily on the availability of particular persons for their ongoing success.
- 5.57 In light of this, the Elected Body makes the following recommendations.

### RECOMMENDATION 7

- 5.58 **The Elected Body recommends that the ACT Government fund the position of Aboriginal Natural Resource Management from the ACT Budget once current grants-based funding for the position expires in 2018.**

### RECOMMENDATION 8

- 5.59 **The Elected Body recommends that the ACT Government build on the success of the position of Aboriginal Natural Resource Manager by recruiting support staff and expanding the program so as to ensure the ongoing viability of the program.**

<sup>473</sup> Dr Annie Lane, *Proof Transcript*, 12 April 2017, p.89.

## 6 EDUCATION AND TRAINING DIRECTORATE



### Introduction

- 6.1 The Education Directorate has administrative responsibility for a number of the agencies which appeared before the Elected Body in hearings, including the Canberra Institute of Technology (CIT).
- 6.2 Witnesses from this agency, including the directorate administration, appeared before the Elected Body in hearings of 13 April 2017.
- 6.3 As for other agencies, the directorate was asked to respond to generic questions provided by the Elected Body to ACT Government directorates. These are considered below, followed by an account of public hearings in which the directorate appeared before the Elected Body.

### Responses to generic questions

#### 1 Equitable access and increased impact

- 6.4 In relation to the first generic question, the directorate in its written response stated that:

In 2016, the apparent retention rate from year 7 to year 12 for Aboriginal and Torres Strait Islander public school students was 98.8 per cent, an improvement on 89.5 per cent in 2015; 81.0 per cent in 2014 and 65.2 per cent in 2013. The rate for non-Indigenous students in 2016 was 100 per cent.<sup>474</sup>
- 6.5 The response also advised that a 'tiered strategy' was 'being employed to further increase the retention rate for Aboriginal and Torres Strait Islander students through the following steps':
  - 1 Stronger student engagement:
    - a A stronger focus on increasing student engagement, particularly for those students who are disengaged, through the following strategies:
      - i providing innovative and tailored learning programs
      - ii wrap-around support for students with complex needs and challenging behaviours
      - iii better engagement and support for parents and families
      - iv engendering pride among Aboriginal and Torres Strait Islander students in their culture and identity
      - v ensuring students feel culturally safe and supported in the school environment.
  - 2 Quality Learning and Teaching:
    - a incorporating Aboriginal and Torres Strait Islander perspectives more strongly into the Australian curriculum
    - b a stronger focus on quality of teaching and customised learning, taking into account individual student needs.

<sup>474</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.1,



- 3 Recognition of achievements through awards and scholarships for Aboriginal and Torres Strait Islander students.
- 4 A culture of continuous improvement through a focus on results, data and accountability, through:
  - a achieving rigorous internal accountability through high quality quantitative and qualitative evidence
  - b further development of data through customised data sets such as the school data tool, and better systems in place to collect and analyse school level data
  - c school reviews, evaluations and regular reporting on school performance
  - d implementation of the Student Resource Allocation (SRA) program, which will provide loadings to schools to support the cultural, wellbeing and educational needs and aspirations of all Aboriginal and Torres Strait Islander students.<sup>475</sup>
- 6.6 In addition, the response referred to Aboriginal and Torres Strait Islander Senior Secondary Scholarships; Mura Awards; and Flexible Learning Options (FLOs).<sup>476</sup>

## 2 Implement ACT Aboriginal and Torres Strait Islander Agreement

- 6.7 In relation to the second generic question, the directorate in its written response stated that:

The Education Directorate is committed to achieving the outcomes set out in the whole-of-government *ACT Aboriginal and Torres Strait Islander Agreement 2015–18*. The directorate tracks progress and achievements against these outcomes through our *Education Capital: Leading the Nation Strategic Plan 2014–17* and associated action plans. These plans complement the outcomes, strategic priorities and headline indicators set out in the whole-of-government agreement.<sup>477</sup>
- 6.8 The response advised that one of the quality of life outcomes in the whole-of-government agreement was ‘full engagement in life-long learning and positive generational experiences for Aboriginal and Torres Strait Islander people’, and that the directorate supported this outcome by employing six headline indicators, one of which was to ‘increase the year 12 completion rate of Aboriginal and Torres Strait Islander students and commencements of higher level qualifications’ of ‘Cert III and above’.<sup>478</sup>
- 6.9 Regarding academic progress, the response advised that in 2016, ‘64 Aboriginal and Torres Strait Islander public school students achieved an ACT Senior Secondary Certificate, representing a year 12 completion rate of 67.4 per cent’. This was ‘a decline on the 2015 figure of 71 students, which represented a Senior Secondary Certificate attainment rate of 70.6 per cent’. However, it stated, of the 64 Aboriginal and Torres Strait Islander students who completed year 12 in 2016, ‘20 received a Tertiary Entrance Statement compared with 17 students in 2015’.<sup>479</sup>
- 6.10 The response advised that the directorate was also working towards another quality life outcome specified in the agreement, which was ‘to increase employment and private enterprise for Aboriginal and Torres Strait Islander people across the ACT’. In connection with this, the directorate provided ‘transitions and careers support, including work experience, to Aboriginal and Torres Strait Islander students in all Canberra public schools’.<sup>480</sup>

475 Education Directorate, Response to ATSIEB generic questions, April 2017, p.1.

476 Education Directorate, Response to ATSIEB generic questions, April 2017, p.2.

477 Education Directorate, Response to ATSIEB generic questions, April 2017, p.3.

478 Education Directorate, Response to ATSIEB generic questions, April 2017, p.3.

479 Education Directorate, Response to ATSIEB generic questions, April 2017, p.3.

480 Education Directorate, Response to ATSIEB generic questions, April 2017, .3.



- 6.11 In addition, students 'from primary school through to college' also had 'access to pathways planning via the pathways website', a career development and transition tool which allowed allows students 'to reflect on who they are, their interests and aspirations', and provided 'opportunities to practice essential life skills such as decision-making and goal-setting'.<sup>481</sup>

### **3 Aboriginal and Torres Strait Islander organisations and community**

- 6.12 In relation to the third generic question, the directorate in its written response focused on consultation. It stated that:
- The directorate has a number of programs and strategies that aim to build and sustain partnerships with families and communities as well as local Aboriginal and Torres Strait Islander led organisations. For example, the directorate holds 'community yarns', which aim to engage members of the Aboriginal and Torres Strait Islander community interested in employment opportunities within the directorate.<sup>482</sup>
- 6.13 The response stated that the directorate 'regularly consults with the Education representative of the Aboriginal and Torres Strait Islander Elected Body, Mr Tony McCulloch', and the Aboriginal and Torres Strait Islander Education Consultative Group, 'to discuss local and national education issues and directions'.<sup>483</sup>
- 6.14 The response also stated that despite 'the relatively small size of the jurisdiction', the ACT was 'one of only four states and territories' where there was an active Indigenous Education Consultative Body. The response stated that such meetings had provided 'a valuable forum for ongoing discussions about the implementation of the aboriginal and torres strait islander whole-of-government agreement'.<sup>484</sup>
- 6.15 The response then went on to consider the directorate's participation in 'community events that celebrate Aboriginal and Torres Strait Islander cultures', noting that since 2013 there had been 'an increase in the number of staff engaging in community events as information is communicated widely across the directorate'.<sup>485</sup>
- 6.16 This engagement included:
- sponsoring of tables at the NAIDOC Aboriginal Hostels lunch 'since 2013'
  - sponsoring and supporting the Belconnen 'NAIDOC on the Lake festivities held at Belconnen Art Centre on 9 July 2016'
  - sponsoring of tables at ACT NAIDOC Ball in 2015
  - Peninsula Family Day.<sup>486</sup>
- 6.17 The response went on to state that the directorate was had also engaged with Aboriginal and Torres Strait Islander organisations and the community in connection with the Student Resource Allocation Program, in particular 'for the Aboriginal and Torres Strait Islander policy and program review'.<sup>487</sup>
- 6.18 In connection with this, it stated that the directorate had held consultations with 'community representative organisations, tertiary education institutions, federal and other ACT Government agencies, schools, students, and other staff', and that engagement would continue because the policy framework was now 'established and implemented'.<sup>488</sup>

481 Education Directorate, Response to ATSIEB generic questions, April 2017, p.3.

482 Education Directorate, Response to ATSIEB generic questions, April 2017, p.3.

483 Education Directorate, Response to ATSIEB generic questions, April 2017, p.3.

484 Education Directorate, Response to ATSIEB generic questions, April 2017, p.3.

485 Education Directorate, Response to ATSIEB generic questions, April 2017, p.3.

486 Education Directorate, Response to ATSIEB generic questions, April 2017, pp.3-4.

487 Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

488 Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.



#### **4 Increased knowledge of the agreement amongst staff**

- 6.19 In relation to the fourth generic question, the directorate in its written response stated that:
- The Director-General of the Education Directorate attends regular meetings with the Education representative of the Elected Body and the Aboriginal and Torres Strait Islander Education Consultative Group. At these meetings, the directorate's progress against the outcomes and headline indicators outlined in the agreement are discussed, along with any other education related issues affecting the Aboriginal and Torres Strait Islander community.<sup>489</sup>
- 6.20 'In addition', the response stated, the directorate's 'Education Capital: Leading the Nation Strategic Plan 2014–17' and associated action plans reflected 'the objectives and directions of the whole-of-government agreement', and these were 'made available to all staff, who are required to work in accordance with the outcomes, indicators and targets specified'.<sup>490</sup>

#### **5 Aboriginal and Torres Strait Islander staff profile**

- 6.21 In relation to the fifth generic question, the directorate in its written response stated that it had 97 Aboriginal and Torres Strait Islander staff, representing 1.6 per cent of total staffing, as at November 2016.
- 6.22 The response stated that in 2016 there were 29 identified positions across the directorate:
- Six Aboriginal and Torres Strait Islander identified positions in Central Office, across two (of three) Divisions, three (of 13) branches and five sections. These central office based positions included two ACTPS Aboriginal and Torres Strait Islander trainees.<sup>491</sup>
- 6.23 The response stated that the directorate also had 21 school-based Aboriginal and Torres Strait Islander identified positions, 'based either in preschool, primary or high school settings or across other settings related to student and school needs'.<sup>492</sup>
- 6.24 In relation to gender, the response advised that of 97 Aboriginal and Torres Strait Islander staff, 70 were female and 27 male.<sup>493</sup>
- 6.25 In relation to the classifications of Aboriginal and Torres Strait Islander staff, the response provided the following breakdown:
- Administrative Officer – 51
  - General Service Officer – 2
  - Health Professional Officer – 1
  - School Leaders (Principals, Deputy Principals, executive teachers) – 8
  - Senior Officers – 3
  - Teachers – 32.<sup>494</sup>
- 6.26 The response also stated that the directorate had 'facilitated the placement of four Aboriginal and Torres Strait Islander trainees' in 2016.<sup>495</sup>
- 6.27 In relation to professional development and retention, the response stated that:

489 Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

490 Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

491 Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

492 Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

493 Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

494 Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

495 Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.



The directorate's Aboriginal and Torres Strait Islander Staff Network has worked with People and Performance Branch to develop an Aboriginal and Torres Strait Islander Mentor Program.<sup>496</sup>

6.28 Progress on these developments was described as follows:

Guidelines for mentors and mentees have been developed. The staff network identified potential mentors across the Education Directorate. Potential mentors were invited to participate in the program. A total of 16 biographies were received and formed part of the Mentee Guidelines. Potential mentors include Aboriginal and non-Aboriginal school and central office based staff. Potential mentors are from the following classifications: directors; retired senior executive; school leaders; teachers; administrative support staff; and senior officers.<sup>497</sup>

6.29 Further, the response advised that in 2016 a 'work shadowing program' was being 'tried for staff interested in building their capacity and experience across directorate divisions and branches', and this trial program was to be 'formalised' in early 2017.<sup>498</sup>

6.30 In responding to this question, the written response also stated that the directorate offered 'leadership and professional development opportunities to Aboriginal and Torres Strait Islander staff (as employees of the directorate), which included:

- 'the Aspiring Leaders Program for school leaders, in conjunction with Melbourne Graduate School of Education
- the Education, Business Leadership, Finance and Resource Management Program for school business managers, in conjunction with Deakin University
- the Teacher Scholarship Program, with up to \$8,000 awarded to recipients to assist with their studies
- Non-Teaching School Staff Traineeship Program, in conjunction with CIT and other registered training organisations
- annual sponsorship of two Aboriginal and Torres Strait Islander staff to attend the Garma Festival as a professional development opportunity', as a result of 'a commitment made by the Director-General in August 2016'.<sup>499</sup>

6.31 In relation to efforts at increasing Aboriginal and Torres Strait Islander representation, the response advised that Directorate sought feedback from staff, through the staff network, using a formalised *Our Mob: Our Voices* survey, which in 2016 was in its third year of delivery, and which influenced 'the focus of employment strategies and support'.<sup>500</sup>

6.32 In addition, the response advised, there were 'five Koori preschools in Canberra public schools', and teacher assistant positions in Koori preschools were identified positions for Aboriginal or Torres Strait Islander persons. It advised that in 2016 two vacant positions were filled by Aboriginal and Torres Strait Islander trainees through the ACTPS Aboriginal and Torres Strait Islander Trainee Program; that both participants would graduate with a Certificate III in Children's Services; and that 'one trainee has indicated a desire to commence their teacher training in early childhood'.<sup>501</sup>

496 Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

497 Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

498 Education Directorate, Response to ATSIEB generic questions, April 2017, p.5.

499 Education Directorate, Response to ATSIEB generic questions, April 2017, p.5.

500 Education Directorate, Response to ATSIEB generic questions, April 2017, p.5.

501 Education Directorate, Response to ATSIEB generic questions, April 2017, p.5.



## 6 Aboriginal and Torres Strait Islander leadership

- 6.33 In relation to the sixth generic question, the directorate in its written response stated that informal mentoring arrangements had ‘underpinned a more formal mentoring program being developed’, and had ‘provided guidance, encouragement and support which has resulted in successful principal selection during the year’. The response stated that this ‘ongoing development of cultural safety’ had ‘supported another principal to identify as Aboriginal’.<sup>502</sup>
- 6.34 The response stated that a ‘formalised meeting between the Staff Network Executive and the Senior Executive Team’ had resulted in ‘a project associated with leadership development opportunities and culturally safe recruitment practices’.<sup>503</sup>
- 6.35 In addition, senior executive staff had completed a cultural awareness training program in February 2015, and further sessions were scheduled ‘for all Executive, Directors and Principals between March and May 2017’. This program would ‘allow staff to engage in a three tiered training program over three training days; two sessions in March and the final session in June’, allowing for ‘reflection and absorption of the learning to create robust cultural action plans for schools and the Education Support Office’.<sup>504</sup>

## 7 Focused and effective services

- 6.36 In relation to the seventh generic question, the directorate in its written response stated that:
- The Education Directorate is developing and implementing a student needs-based school funding model designed to provide a fairer allocation of funds based on the individual needs of students. The directorate is currently reviewing the support provided for Aboriginal and Torres Strait Islander students in the ACT. To inform this work, the directorate has consulted with over 22 stakeholders . . .<sup>505</sup>
- 6.37 The response also advised the Elected Body regarding:
- NAPLAN mean scale score for Aboriginal and Torres Strait Islander students
  - attendance rates for Aboriginal and Torres Strait Islander students in the ACT
  - year 12 retention for Aboriginal and Torres Strait Islander students.<sup>506</sup>
- 6.38 In addition, the response indicated ‘other supports’, including:
- a Tutorial Support Scheme for Aboriginal and Torres Strait Islander students in high schools and colleges
  - Destinations and Pathways Planning
  - a Tertiary Scholarship Program.<sup>507</sup>

## 8 Effective policy development and policy impact

- 6.39 In relation to the eighth generic question, the directorate in its written response referred to its:
- the Student Resource Allocation (SRA) Program<sup>508</sup>
  - *People, Practice and Performance: School Improvement in Canberra Public Schools—A Framework for School Performance and Accountability*.<sup>509</sup>

502 Education Directorate, Response to ATSIEB generic questions, April 2017, p.5.

503 Education Directorate, Response to ATSIEB generic questions, April 2017, p.5.

504 Education Directorate, Response to ATSIEB generic questions, April 2017, p.5.

505 Education Directorate, Response to ATSIEB generic questions, April 2017, pp.5–6.

506 Education Directorate, Response to ATSIEB generic questions, April 2017, pp.6–7.

507 Education Directorate, Response to ATSIEB generic questions, April 2017, p.7.

508 Education Directorate, Response to ATSIEB generic questions, April 2017, p.7.

509 Education Directorate, Response to ATSIEB generic questions, April 2017, pp.7–8.



### **Budget allocations to programs, services and clients**

- 6.40 In relation to the ninth generic question, the directorate in its written response stated that approximately 3.8 per cent of Canberra public school students identified as Aboriginal and Torres Strait Islander, and that these students were 'provided resourcing in line with all other students who attend Canberra public schools'.<sup>510</sup>
- 6.41 It stated that the directorate was 'currently developing and implementing the new Student Resource Allocation Program', which would include specific 'support for Aboriginal and Torres Strait Islander students', and that the directorate was 'engaging with the Aboriginal and Torres Strait Islander community on this issue'.<sup>511</sup>
- 6.42 The response went on to say that directorate had 'targeted programs to support Aboriginal and Torres Strait Islander students that totalled over \$5.05 million in 2015–16', and that these included:
- 'Aboriginal and Torres Strait Islander Literacy and Numeracy Support (\$0.94m)
  - Koori Preschool program (\$0.63m)
  - Aboriginal and Torres Strait Islander Education section (\$1.55m)
  - scholarship programs and other programs (\$1.93m)'.<sup>512</sup>
- 6.43 It also stated the directorate measured the effectiveness of programs for Aboriginal and Torres Strait Islander children and young people using 'separate Aboriginal and Torres Strait Islander student strategic indicators', and 'key performance and accountability indicators'.<sup>513</sup>

### **10 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff**

- 6.44 In relation to the tenth generic question, the directorate in its written response indicated responses already provided in response to Questions 5(e) and 7.<sup>514</sup>

### **11 A specific Aboriginal and Torres Strait Islander Staff Network**

- 6.45 In relation to the eleventh generic question, the directorate in its written response stated that a 'highly active staff network' existed, which provided 'strategic advice on educational reform matters'<sup>515</sup> relating to: human resource management (including the development and implementation of the directorate's reconciliation action plan and the Aboriginal and Torres Strait Islander Employment Plan), the Student Resource Allocation Program, whole-of-government reform as well as advice relating to implementation of the *ACT Aboriginal and Torres Strait Islander Agreement 2015–18*.<sup>516</sup>

510 Education Directorate, Response to ATSIEB generic questions, April 2017, p.8.

511 Education Directorate, Response to ATSIEB generic questions, April 2017, p.8.

512 Education Directorate, Response to ATSIEB generic questions, April 2017, p.8.

513 Education Directorate, Response to ATSIEB generic questions, April 2017, p.8.

514 Education Directorate, Response to ATSIEB generic questions, April 2017, p.8.

515 Education Directorate, Response to ATSIEB generic questions, April 2017, p.8.

516 Education Directorate, Response to ATSIEB generic questions, April 2017, p.8.



## 12 Support for staff to participate in the Murranga Murranga Employee Network

6.46 In relation to the twelfth generic question, the directorate in its written response stated that:

The Education Directorate Staff Network has a strong relationship with Murranga Murranga, including in relation to present and past co-chairs of Murranga Murranga. The directorate provides input to Murranga Murranga to support attendance of teaching staff. Information about Murranga Murranga is distributed to the staff network and communicated more broadly through All Staff Alerts.<sup>517</sup>

6.47 The response also stated that:

The directorate's senior executive are supported to understand the importance of these networks, as well as understand topics and themes of discussion. This occurs through regular, planned meetings between the directorate's staff networks and the Senior Executive Team. The Director-General and Deputy Directors-General have continued their commitment to staff involvement in these networks.<sup>518</sup>

## 13 Aboriginal and Torres Strait Islander Cultural Awareness Training

6.48 In relation to the thirteenth generic question, the directorate in its written response stated that a 'multi-pronged approach' was used 'to increase cultural competency of staff through the delivery of a suite of activities',<sup>519</sup> including:

- 'Building personal accountability for developing cultural awareness
- Online cultural competency courses
- Face-to-face cultural awareness training
- Development of the Reconciliation Action Plan: Reconciliation — *Keeping it Alive*
- Cultural awareness in schools'.<sup>520</sup>

## 14 Cultural training for Director-General and senior executives

6.49 In relation to the fourteenth generic question, the directorate in its written response stated that:

In February 2015, Mr Grant Sarra was engaged to work with the directorate Corporate Executive to facilitate a Cultural Competency Strategic Learning Day. All Corporate Executive members attended with a senior manager from their area. The evaluation from this training led to a cultural integrity framework for change that has since informed the development of the directorate's *Reconciliation Action Plan 2016–2018 — Reconciliation Keeping it Alive*.<sup>521</sup>

6.50 The response went on to say that:

In late 2016, the directorate committed to provide cultural integrity training for all principals and Corporate Executive with Mr Scott Gorrige, Director MurriMatters and Mr Grant Sarra, Sarra Consulting between March and May 2017.<sup>522</sup>

517 Education Directorate, Response to ATSIEB generic questions, April 2017, p.8.

518 Education Directorate, Response to ATSIEB generic questions, April 2017, p.8.

519 Education Directorate, Response to ATSIEB generic questions, April 2017, p.9.

520 Education Directorate, Response to ATSIEB generic questions, April 2017, p.9.

521 Education Directorate, Response to ATSIEB generic questions, April 2017, p.9.

522 Education Directorate, Response to ATSIEB generic questions, April 2017, p.9.



## Hearings

6.51 The Education Directorate appeared before the Elected Body in hearings of 13 April 2017.

### Matters considered

6.52 Matters considered included:

- new programs and services<sup>523\*</sup>
- apparent retention rates<sup>524</sup>
- efforts to improve retention of Aboriginal and Torres Strait Islander students in the education system<sup>525\*</sup>
- responsibility for Jervis Bay School<sup>526</sup>
- NAPLAN results for Aboriginal and Torres Strait Islander students<sup>527\*</sup>
- strategies to increase attendance rates<sup>528\*</sup>
- support for an ACT Aboriginal and Torres Strait Islander education consultative body<sup>529</sup>
- strategies for students who require specialist intervention<sup>530</sup>
- reports that teachers had made it difficult for therapists to work with students with a disability<sup>531 \*</sup>
- culturally appropriate curricula<sup>532</sup>
- Koori preschools.<sup>533</sup>

### Key issues

#### New programs and services

6.53 In hearings of 13 April 2017 the Elected Body asked questions regarding new programs and services.<sup>534</sup>

6.54 In responding to questions, the Director, Teaching and Learning, told the Elected Body that:

One of the things we are really focusing on is to build the cultural competence and capability of our staff to design and implement a quality curriculum. From that point of view the Aboriginal and Torres Strait Islander curriculum has an across-curriculum perspective. What we are really attempting to do is to ensure that every teacher implements that across all of the curriculum areas, which is really important.<sup>535</sup>

6.55 He told the Elected Body that there were 'particular projects which we are working on to build that capability with our staff' but it was 'really a strength-based approach' the intention of which was to have 'all of our teachers' to have 'that knowledge, understanding and skill to be able to do that so that children in classrooms in their schools are feeling that they can have some ownership over their history and culture'.<sup>536</sup>

523 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.94–97. Starred items (\*\*\*) are dealt with in the section on 'Key issues' below.

524 ATSIIEB, *Proof Transcript*, 13 April 2017, p.97.

525 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.98–99.

526 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.100–101.

527 ATSIIEB, *Proof Transcript*, 13 April 2017, p.102.

528 ATSIIEB, *Proof Transcript*, 13 April 2017, p.103.

529 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.103–104.

530 ATSIIEB, *Proof Transcript*, 13 April 2017, p.105.

531 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.105–107.

532 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.107–108.

533 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.96, 108.

534 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.94–97.

535 Mr Jason Borton, *Proof Transcript*, 13 April 2017, p.95.

536 Mr Jason Borton, *Proof Transcript*, 13 April 2017, p.95.



- 6.56 He told the Elected Body there were two particular projects which were based on 'Ngunnawal histories'.<sup>537</sup>
- 6.57 The first was the 'Ngunnawal plant use program', in which a 'number' of schools were engaging 'right through from preschool to high school'. The second was 'Footprints on Our Land', which was 'Aunty Agnes's Ngunnawal elder pilot program'. These were two 'inquiry-based programs' which had 'a broad reach out into schools', and which were engaging students in 'local history' and 'local culture'.<sup>538</sup>
- 6.58 The Manager, Aboriginal and Torres Strait Islander Education, also responded to the question. She told the Elected Body that:
- As part of the election commitment to the strengthening of Ngunnawal history and culture in schools there are nine schools involved in the plant use pilot, and projects ranging from stem projects and science projects using the new wetlands around Lyneham to kitchen gardens. It is going from preschool through to year 12, with different schools looking at curriculum packages.<sup>539</sup>
- 6.59 She told the Elected Body that:
- With the Aunty Agnes DVD we have six schools involved in that. Some are using it as a professional development tool, making all the staff aware in the first instance. Others are looking at how they can use it in the classroom. The little reports from the schools are due very early in next term. Then, later in next term, possibly in June, we will be having a show and tell. We will be inviting some of the United Ngunnawal Elders Council members to come along and see what has been created and provide some input at that point in time.<sup>540</sup>
- 6.60 'In addition', she told the Elected Body, the directorate was also:
- developing a pilot program of six activities for upper primary school students, in the first instance looking for learning experiences on country. Again, we are in the middle of the negotiations around that, looking at the ranger-guided activities, looking at how we can use Tidbinbilla, Yarramundi, Birrigai and Jerrabomberra Wetlands. Hopefully from that there will be a guide and pilot resources that can then be shared out across the system.<sup>541</sup>
- 6.61 With regard to these programs, she told the Elected Body, was the fact that it was important that this represented 'system capacity development, not just focusing on personalised learning and targeting students at different stages of education'. This was 'very important' for sustainability because it was 'actually building the system capacity to be able to provide what Aboriginal and Torres Strait Islander students need and want for their aspirations and their plans'.<sup>542</sup>

### **Efforts to improve retention**

- 6.62 In hearings, the Elected Body asked the directorate about measures to improve retention of Aboriginal and Torres Strait Islander students in the education system. It also asked to what extent efforts to increase the extent to which students felt 'culturally safe and supported' were significant in working toward this larger goal.<sup>543</sup>
- 6.63 In responding, the Director-General told the Elected Body that the 'short answer' was that it was 'an important part'. She noted previous testimony regarding the directorate's efforts toward 'redesigning the way in which our Gonski funding, our needs-based funding, is directed towards cultural safety and

537 Mr Jason Borton, *Proof Transcript*, 13 April 2017, p.95.

538 Mr Jason Borton, *Proof Transcript*, 13 April 2017, p.95.

539 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.95.

540 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.95.

541 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.95.

542 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, pp.95–96.

543 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.98–99.



improving the cultural integrity of our schools'. The 'very specific services that support students in staying engaged with school', extended 'beyond the individual student to their families'.<sup>544</sup>

- 6.64 The Manager, Aboriginal and Torres Strait Islander Education, also responded to the question. She told the Elected Body that these efforts included the 'Aspirations Program', which was 'largely ... about relationships and connections and providing the students with at least a couple of common faces that they might link up with throughout their schooling over the years', and included transition programs, careers programs, and 'pathways planning'.<sup>545</sup>
- 6.65 She told the Elected Body that retention was 'very much school core business':
- Hopefully, we have a situation where all the schools, all the teachers, actually know their kids and their needs and are able to support them in that way. When you are looking at the transition points between primary school and high school, and high school and college, our team will follow up on students and touch base with schools to make sure in the very early stages that the kids are on track and do not need any additional support.<sup>546</sup>
- 6.66 As part of this, she told the Elected Body, the directorate maintained 'a contact list with all schools':
- We encourage them to contact us if they have an issue or a concern with particular students. They might touch base with us in the first instance and we will see what supports might be available. We will negotiate with the schools. If some of the things around retention relate to having electronic devices in the school or being able to participate in excursions, we are able to negotiate some supports around those sorts of things.<sup>547</sup>
- 6.67 She told the Elected Body that the 'personalised learning approach' was also about 'connections and relationships'. She said that there was 'a lot of talk about personalised learning plans'. People had 'a perception of one particular template that people need to fill in and then tick the boxes to show that it has been completed'. However, personalised learning and personalised learning plans were 'much more about those connections with teachers and students and people being able to support young people with their aspirations', and a 'lot of that' was 'supported through the aspirations program as well'.<sup>548</sup>
- 6.68 As part of her answer to the question, the Manager, Aboriginal and Torres Strait Islander Education, also spoke about scholarship programs, the Mura awards, and flexible learning options and their relevance to Aboriginal and Torres Strait Islander students.<sup>549</sup>

### **NAPLAN results for Aboriginal and Torres Strait Islander students**

- 6.69 In hearings, the Elected Body asked the directorate about NAPLAN results for Aboriginal and Torres Strait Islander students. In particular, the Elected Body stated that Aboriginal and Torres Strait Islander students had 'remained two to three years of schooling behind their non-Indigenous counterparts', and asked what was being done 'to close this gap'.<sup>550</sup>

544 Ms Natalie Howson, *Proof Transcript*, 13 April 2017, p.98.

545 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.98.

546 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.98.

547 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, pp.98–99.

548 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.99.

549 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.99.

550 ATSIIEB, *Proof Transcript*, 13 April 2017, p.102.



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

Overall across the ACT system we are not seeing the levels of growth that we would expect. There is a range of systemic measures we are putting in place to lift performance across our entire school system. Most importantly, that is focused on a whole-school improvement strategy. My expectation is that that, coupled with the particular focus on cultural safety that we provide in the general environment, as well as specific programs that are individualised for Aboriginal and Torres Strait Islander children, will make all the difference.<sup>551</sup>

6.71 The Deputy Director-General, School Performance and Support Division, also responded to the question. She told the Elected Body that:

What we are doing and what we have been doing—and what we are strengthening now—is looking at schools individually as well as across the system to see how we improve their overall performance. We are using the national school improvement tool, which is an instrument that has nine different domains. Each of those domains, when coupled together, should result in a really strong performing school. It is not only just about the teaching and learning; it is about the student wellbeing, it is about the engagement with community and it is about the broader connectivity across school.<sup>552</sup>

6.72 She told the Elected Body:

We have five directors of school improvement in the organisation now—we have recently appointed a fifth—with a very specific focus on getting under the covers and working closely with schools on how to strengthen them. We are using NAPLAN as one set of data. We are using the school surveys—the student surveys, the staff surveys and the parent surveys—as another set of data. We are also looking at the data that our teachers collect in the classroom every day. All of that is coming together to tell us a story about what is going on in individual schools. Then we are working on a customised approach using this broad framework of the school improvement tool to tackle and strengthen individual schools.<sup>553</sup>

### **Strategies to increase attendance rates**

6.73 In hearings, the Elected Body asked questions about strategies to increase attendance rates amongst Aboriginal and Torres Strait Islander students.<sup>554</sup>

6.74 In responding to questions, the Manager, Aboriginal and Torres Strait Islander Education, told the Elected Body that:

One of the first things we need to do is know the kids and know what might be impacting attendance rates. Monitoring is done centrally; it is done by student and it is done by school. We look at the schools where attendance rates for all Aboriginal and Torres Strait Islander kids might be low, and then it will be the directors of school improvement and other directorate executives and leaders that will be supporting the schools on those issues.<sup>555</sup>

6.75 However, she told the Elected Body:

Mindful of the population impact of the size of the cohort and the actual statistics, we will be reporting on schools where there are more than five kids in the school. As you know, if you have got ten kids in a school and there is a family issue—the family might be taken away from Canberra or whatever—that will have a huge impact on the overall attendance rate of that particular school because of the population numbers.<sup>556</sup>

551 Ms Natalie Howson, *Proof Transcript*, 13 April 2017, p.102.

552 Ms Meg Brighton, *Proof Transcript*, 13 April 2017, p.102.

553 Ms Meg Brighton, *Proof Transcript*, 13 April 2017, p.102.

554 ATSIIEB, *Proof Transcript*, 13 April 2017, p.103.

555 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.103.

556 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.103.



6.76 She went on to say that the directorate was 'also looking behind the story as well'. In this the directorate relied on 'network student engagement teams', which were 'multidisciplinary student support teams that we have across the whole ACT'. They were comprised of 'social workers and psychologists, student engagement officers and a range of other professionals to provide the personalised and wraparound support as needed'. In addition, there were 'partnerships with the CSD and other service providers'. The role of her own unit was as a 'central office or education support office', one of the functions of which was 'to monitor, so we can look at all the data around that and then approach schools or the student network team', allowing them to 'personalise the support as required'.<sup>557</sup>

### **Reports that teachers had made it difficult for therapists to work with students with a disability**

6.77 In hearings, the Elected Body asked questions regarding reports that there were occasions where teachers had made it difficult for therapists to work with students with a disability.<sup>558</sup>

6.78 In responding to the question, the Director, Student Engagement, told the Elected Body that 'because the NDIS has opened up a really big market of specialist providers and therapists', the directorate had 'implemented a number of safety mechanisms around the number of therapists that enter a school'. This was 'not about stopping them from coming', but was more 'about the fact that for a class to operate well you cannot have a constant stream of different people coming in and out, withdrawing students for therapy or whatever'.<sup>559</sup>

6.79 She told the Elected Body that:

Each school has an arrangement with the providers that they need to provide their working with vulnerable people registration, they need to indicate when they would be coming and going, they need to sign in and out, and they need to show how their therapeutic plans link with the child's ILP, if there is an ILP in place.<sup>560</sup>

6.80 She said that the the reason for these arrangements was that the student's 'learning outcomes are our key priority', and therapists had 'the opportunity to provide some of their services outside of school hours'. She said that she knew that was 'difficult', as she had been 'in that world' herself. She knew that some providers would say, "Well, that does not work for us", but 'the reality is that we also have to be mindful of our obligations to provide the full suite of education experiences for our students and not have them being withdrawn all the time'.<sup>561</sup> While some providers 'might see that as a barrier', the directorate saw it as 'a safeguard' and 'a necessary process to ensure that providers are equitably able to enter schools and offer the services they need to'.<sup>562</sup>

6.81 However, in the previous year 26 additional positions had been provided amongst the directorate's network student engagement teams and their allied health professionals.<sup>563</sup> She told the Elected Body that these allied health professionals could:

provide a liaison role between service providers and our schools or classroom teachers, the benefit being that if you have a speech pathologist, for instance, who wants to see a student—who has a program, perhaps—they can come in, work with the speech pathologist for the network and say, for instance, 'Well, really what we want to focus on is language'. Our speech pathologist can then work and support the teacher to implement that into the classroom, rather than having one-to-one therapy all the time for that child being withdrawn.<sup>564</sup>

557 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.103.

558 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.105–107.

559 Ms Jacinta Evans, *Proof Transcript*, 13 April 2017, p.105.

560 Ms Jacinta Evans, *Proof Transcript*, 13 April 2017, p.106.

561 Ms Jacinta Evans, *Proof Transcript*, 13 April 2017, p.106.

562 Ms Jacinta Evans, *Proof Transcript*, 13 April 2017, p.106.

563 Ms Jacinta Evans, *Proof Transcript*, 13 April 2017, p.106.

564 Ms Jacinta Evans, *Proof Transcript*, 13 April 2017, p.106.



6.82 'Best practice', she told the Elected Body, was to implement program 'through a child's normal daily activity, whether that is class based or home based'. The directorate was 'working in an evidence-based way' to support providers. She acknowledged that 'for a family to draw down on their plan', they are required to deal 'one-to-one' with their specialist provider, but this could take place at other times in the day. Sometimes it would take place during the school day, depending on the needs of the child.<sup>565</sup>

## Elected Body comment

### Summary

#### Written responses

6.83 Written responses by the Education Directorate to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.

6.84 These included:

- improvements to school attendance by Aboriginal and Torres Strait Islander students<sup>566</sup>
- use of a 'tiered strategy' to increase the retention rate for Aboriginal and Torres Strait Islander students in ACT schools<sup>567</sup>
- support for the quality of life outcome in the whole-of-government agreement of 'full engagement in life-long learning and positive generational experiences for Aboriginal and Torres Strait Islander people'<sup>568</sup>
- reports of mixed outcomes of a comparison of the success of Aboriginal and Torres Strait Islander students in Year 12 studies in 2015 and 2016<sup>569</sup>
- consultation with the Elected Body,<sup>570</sup> and an Indigenous Education Consultative Body<sup>571</sup>
- reports that the directorate's strategic plan reflected 'the objectives and directions of the whole-of-government agreement'<sup>572</sup>
- the presence in 2016 of 29 identified positions across the directorate,<sup>573</sup> and 97 Aboriginal and Torres Strait Islander staff overall<sup>574</sup>
- work toward an Aboriginal and Torres Strait Islander Mentor Program<sup>575</sup>
- provision of 'leadership and professional development opportunities to Aboriginal and Torres Strait Islander staff'<sup>576</sup>
- the presence of 'five Koori preschools in Canberra public schools'<sup>577</sup>
- work toward a 'a student needs based school funding model designed to provide a fairer allocation of funds based on the individual needs of students'<sup>578</sup>

<sup>565</sup> Ms Jacinta Evans, *Proof Transcript*, 13 April 2017, p.106.

<sup>566</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.1.

<sup>567</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.1.

<sup>568</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.3.

<sup>569</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.3.

<sup>570</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.3.

<sup>571</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.3.

<sup>572</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

<sup>573</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

<sup>574</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

<sup>575</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.4.

<sup>576</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.5.

<sup>577</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, p.5.

<sup>578</sup> Education Directorate, Response to ATSIEB generic questions, April 2017, pp.5–6.



- that targeted programs by the directorate ‘to support Aboriginal and Torres Strait Islander students’ had totalled ‘over \$5.05 million in 2015–16’<sup>579</sup>
- the presence of a ‘highly active staff network’<sup>580</sup>
- efforts ‘to increase cultural competency of staff through the delivery of a suite of activities’.<sup>581</sup>

## Responses in hearings

- 6.85 Matters which were considered in some detail in hearings included the following.
- 6.86 In relation to new programs and services,<sup>582</sup> the Elected Body and representatives of the directorate discussed, among other things, efforts to increase cultural competency amongst staff,<sup>583</sup> and to include Aboriginal and Torres Strait Islander culture in curricula.<sup>584</sup>
- 6.87 In relation to efforts to improve retention of Aboriginal and Torres Strait Islander students in the education system,<sup>585</sup> the Elected Body and representatives of the directorate discussed, among other things, the ‘Aspirations Program’, which was ‘largely . . . about relationships and connections and providing the students with at least a couple of common faces that they might link up with throughout their schooling over the years’, and included transition programs, careers programs, and ‘pathways planning’.<sup>586</sup>
- 6.88 In relation to NAPLAN results for Aboriginal and Torres Strait Islander students,<sup>587</sup> the Elected Body and representatives of the directorate discussed, among other things, the fact that ‘across the ACT system we are not seeing the levels of growth that we would expect’, although there was ‘a range of systemic measures’ the directorate was ‘putting in place to lift performance across our entire school system’, as well as ‘specific programs that are individualised for Aboriginal and Torres Strait Islander children’, which the directorate hoped would ‘make all the difference’.<sup>588</sup>
- 6.89 In relation to strategies to increase attendance rates amongst Aboriginal and Torres Strait Islander students,<sup>589</sup> the Elected Body and representatives of the directorate discussed, among other things, efforts to ‘know what might be impacting attendance rates’; monitoring;<sup>590</sup> and the directorate’s reliance on ‘network student engagement teams’.<sup>591</sup>
- 6.90 In relation to reports that teachers had made it difficult for therapists to work with students with a disability,<sup>592</sup> the Elected Body and representatives of the directorate discussed, among other things, that that students’ ‘learning outcomes are our key priority’; that therapists had ‘the opportunity to provide some of their services outside of school hours’;<sup>593</sup> and that while some providers might see current practice ‘as a barrier’, the directorate saw it as ‘a safeguard’.<sup>594</sup>

579 Education Directorate, Response to ATSIEB generic questions, April 2017, p.8.

580 Education Directorate, Response to ATSIEB generic questions, April 2017, p.8.

581 Education Directorate, Response to ATSIEB generic questions, April 2017, p.9.

582 ATSIEB, *Proof Transcript*, 13 April 2017, pp.94–97.

583 Mr Jason Borton, *Proof Transcript*, 13 April 2017, p.95.

584 Mr Jason Borton, *Proof Transcript*, 13 April 2017, p.95.

585 ATSIEB, *Proof Transcript*, 13 April 2017, pp.98–99.

586 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.98.

587 ATSIEB, *Proof Transcript*, 13 April 2017, p.102.

588 Ms Natalie Howson, *Proof Transcript*, 13 April 2017, p.102.

589 ATSIEB, *Proof Transcript*, 13 April 2017, p.103.

590 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.103.

591 Ms Beth Craddy, *Proof Transcript*, 13 April 2017, p.103.

592 ATSIEB, *Proof Transcript*, 13 April 2017, pp.105–107.

593 Ms Jacinta Evans, *Proof Transcript*, 13 April 2017, p.106.

594 Ms Jacinta Evans, *Proof Transcript*, 13 April 2017, p.106.

## Elected Body views and recommendations

- 6.91 The Elected Body notes the importance and complexity of the work done by the directorate. Certainly it is important for the future wellbeing of the Aboriginal and Torres Strait Islander community in the ACT.
- 6.92 As in other jurisdictions, the ACT faces some challenges in engaging and retaining Aboriginal and Torres Strait Islander students within the education system. On the other hand, the ACT has characteristics that are distinct advantages in efforts to engage these students. Notably, both geographical distances and outright numbers of students are small in the ACT.
- 6.93 Despite this, Aboriginal and Torres Strait Islander students appear to struggle in the education system. However the ACT is also a jurisdiction in which it is, arguably, more possible to coordinate activities toward the pursuit of a particular goal, particularly those which involve different government agencies and sub-agencies.
- 6.94 In the view of the Elected Body, this represents an opportunity. It is unquestionably the case that educational achievement forms a very significant part of pathways to a better future for Aboriginal and Torres Strait Islander people in the ACT.
- 6.95 When the Elected Body considers the obstacles that may lie in the way of living up to this potential, it thinks back to testimony provided by other agencies regarding the cross-linking harms with other harms to Aboriginal and Torres Strait Islander people. We heard in connection with out of home care, for example, that problems with drugs and alcohol were a driver for out of home care for Aboriginal and Torres Strait Islander children.<sup>595</sup>
- 6.96 The same principles clearly apply for education. The effect of considering this entanglement must be to give renewed emphasis on effective working relationships between government agencies and sub-agencies who hold responsibility for front-line services for Aboriginal and Torres Strait Islander people. It is clear that wherever the domestic environments are unsettled that students will be more likely to struggle with the challenges presented in the course of their education.
- 6.97 As a community, we need to ensure that, over time, there is the stability and access to opportunity that will allow our young people to set out on this journey. Wherever our young people find their footing and make a success of their education, there will be positive consequences for the Aboriginal and Torres Strait Islander community, and for the next generation, who will then be in a better position to make the best of *their* educational opportunities.
- 6.98 In a previous chapter the Elected Body made a recommendation regarding the Outcomes Reporting Framework developed in conjunction with the whole-of-government agreement. The reflections put forward by the Elected Body in the present section should serve to reinforce arguments for effective support and resourcing of that effort, in view of its key role in making the implementation of the agreement a practical possibility, and in ensuring that different agencies and sub-agencies are aware, and work-in with, what other agencies are doing with regard to Aboriginal and Torres Strait Islander people in the ACT.

595 Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.53, and Mr Michael De'Ath, *Proof Transcript*, 12 April 2017, p.61.



## Introduction

- 7.1 The 2016 annual report of the Canberra Institute of Technology (CIT) stated that its mission was to change 'lives through quality education and skills development for individuals, industry and the community'.<sup>596</sup>
- 7.2 It also stated that CIT sought 'to strengthen its position as a leader of vocational education and training (VET) and to be successful in a more demand-driven market', and noted that CIT was 'the leading provider of VET in the ACT'.<sup>597</sup>
- 7.3 Although CIT is part of the ACT Education Directorate, considered in the previous chapter, it has a special relevance to Aboriginal and Torres Strait Islander people by virtue of its Yurauna program, described below, and it provided its own response to generic questions.<sup>598</sup>
- 7.4 Although officers of the Education Directorate appeared before the Elected Body in hearings of 13 April 2017, no direct questions were asked regarding CIT. Consequently, this chapter does not consider hearings undertaken by the Elected Body in April 2017, and only deals with CIT's written responses to the Elected Body's generic questions, considered below.

## Responses to generic questions

### 1 Equitable access and increased impact

- 7.5 In relation to the first generic question, the directorate in its written response stated that CIT was 'the public provider of vocational education and training in the ACT'. It stated that CIT had 'a dedicated Indigenous Vocational Educational Centre of Excellence—CIT Yurauna Centre', which provided 'Aboriginal and Torres Strait Islander programs and student support' and was 'committed to developing opportunities so that Aboriginal and Torres Strait Islander peoples are able to access employment opportunities'.<sup>599</sup>
- 7.6 The response stated that CIT Yurauna was 'dedicated to meeting community and industry demand by developing and delivering customised Indigenous specific training', and that goals of CIT Yurauna were 'to facilitate access to further education, preparing individuals for the work force and retraining in a culturally appropriate environment committed to individual needs'. CIT Yurauna offered 'a culturally appropriate and a unique holistic approach to working with individuals to reach their potential'.<sup>600</sup>
- 7.7 The response stated that CIT provided 'appropriate support to ensure we can accommodate the needs of any Aboriginal or Torres Strait Islander person seeking to engage in VET at CIT', and that this affordability measures, including:

596 Canberra Institute of Technology (CIT), *Annual Report 2016*, p.12, viewed 14 August 2017, available at: [https://cit.edu.au/\\_\\_data/assets/pdf\\_file/0014/93101/CIT\\_Annual\\_Report\\_2016.pdf](https://cit.edu.au/__data/assets/pdf_file/0014/93101/CIT_Annual_Report_2016.pdf)

597 CIT, *Annual Report 2016*, p.12.

598 CIT, Response to ATSIIEB generic questions, April 2017, p.1.

599 CIT, Response to ATSIIEB generic questions, April 2017, p.1.

600 CIT, Response to ATSIIEB generic questions, April 2017, p.1.



- 'Indigenous Scholarships to those who can demonstrate evidence of Aboriginality or Torres Strait Islander heritage
- fee assistance for those on low incomes
- payment plans
- access to VET FEE-HELP 'for some courses'.<sup>601</sup>

## 2 Implement ACT Aboriginal and Torres Strait Islander Agreement

7.8 In relation to the second generic question, the directorate in its written response stated that CIT was a member of the Implementation Reference Group for the ACT Aboriginal and Torres Strait Islander Agreement, and that it had been 'implementing parts of the ACT Aboriginal and Torres Strait Islander Agreement'.<sup>602</sup>

7.9 The response listed these as follows.

7.10 For 'Focus Area 1 – Cultural identity', the response indicated the launch of CIT's second reconciliation action plan (RAP) in October 2016, including an 'Aboriginal and Torres Strait Islander Events Committee'; conduct of 'cultural proficiency programs to build cultural identity'; and delivery of cultural awareness sessions 'across CIT', including CIT leadership.<sup>603</sup>

7.11 For 'Focus 2 – Healthy mind, healthy body', the response indicated services and programs offered to Indigenous students at CITY Yurauna, including:

- 'Healthy Foods — preparing healthy food options and cooking, sharing recipes
- First Aid — 20 participants', involving an Indigenous trainer from Allens
- sexual health
- alcohol and other drugs
- Aboriginal mental health first aid
- Road Ready'.<sup>604</sup>

7.12 For 'Focus Area 3 – Feeling Safe', the response stated that:

CIT provides a safe environment for all its students. CIT has policies on discrimination, harassment and anti-bullying, equity and diversity, unacceptable student behaviour and a specific policy to ensure appropriate support to CIT's Aboriginal and Torres Strait Islander Australian students. All students are expected to act within the guidelines of the CIT Student Code of Conduct and staff must act adhere to the CIT Code of Practice and ACTPS Signature behaviours.<sup>605</sup>

7.13 For 'Focus Area 4 – Connecting to community', the response stated that:

Programs offered by CIT to help students connect to community include:

- Road Ready for vulnerable students — preparing new road users for Learners Permit by highly-skilled and experienced education professionals
- partnership with the Northside Community Services offering a Certificate III in Community Development with a pathway to the Certificate IV in Alcohol and other drugs: Adjunct child care on premises is provided as part of this program.

601 CIT, Response to ATSIEB generic questions, April 2017, p.1.

602 CIT, Response to ATSIEB generic questions, April 2017, p.1.

603 CIT, Response to ATSIEB generic questions, April 2017, pp.1–2.

604 CIT, Response to ATSIEB generic questions, April 2017, p.2.

605 CIT, Response to ATSIEB generic questions, April 2017, p.2.



- a Reconnect Program, in collaboration with Corrective Services, TAMS and the CIT Yurauna Centre for Aboriginal and/or Torres Strait Islander men to be case managed under probation and parole is being considered.<sup>606</sup>

7.14 For 'Focus Area 5—Employment and economic independence', the response stated that:

The CIT Yurauna Centre provides culturally-proficient programs to increase participants' employability and increase opportunities to access employment and/or enter into private enterprises. This includes a partnership with Habitat and other employment providers as well as working with the West Belconnen development project, investigating renewable energy transition community projects with a focus on environmental sustainability, investigating the necessary local partnerships to support regeneration (and introduction of) and maintenance of the Indigenous local habitat and ongoing land care.<sup>607</sup>

7.15 For 'Focus Area 6—Education', the response stated that:

CIT Yurauna Centre provides culturally-proficient programs to increase participants' skills development and qualification attainment. Students are encouraged to apply for the scholarships available through 'For Strong Families'—ACT Aboriginal and Torres Strait Islander Education Grants. Other programs offered include:

- Year 12 matriculation for Certificate in general education for adults for students as well as entry for non-CIT students
- outreach program at CIT Yurauna Centre to encourage completion of year 12
- negotiated program entry for non-CIT students into mainstream courses
- partnership with Rotary for Literacy development.<sup>608</sup>

7.16 It also stated that CIT Yurauna was 'broadening its offering in 2017 to include Business Administration and Year 12'.<sup>609</sup>

7.17 For 'Focus Area 7—Leadership', the response stated that CIT was 'exploring opportunities to increase career progression for Indigenous staff'.<sup>610</sup>

CIT is committed to providing opportunities and development of all staff in support of their professional aspirations. The Director CIT Yurauna is part of the CIT leadership team and attends CEO forums, the CIT Leadership Network, and is a member of the CIT Academic Council and the CIT People Committee.<sup>611</sup>

### **3 Aboriginal and Torres Strait Islander organisations and community**

7.18 In relation to the third generic question, the directorate in its written response stated that:

The CIT Yurauna Centre has established relationships with the United Ngunnawal Elders Council, ACT Aboriginal and Torres Strait Islander Elected Body, community organisations including Gugan Gulwan, Winnunga Nimmityjah, Burrunjui Aboriginal Corporation, Beryl Refuge, Innana, Connections ACT, Toora House, Relationships Australia, Northside Community Services, Munjuawa in Queanbeayn [sic], Onerwal Land Council in Yass, and other Indigenous businesses.<sup>612</sup>

606 CIT, Response to ATSIEB generic questions, April 2017, p.2.

607 CIT, Response to ATSIEB generic questions, April 2017, pp.2–3.

608 CIT, Response to ATSIEB generic questions, April 2017, p.3.

609 CIT, Response to ATSIEB generic questions, April 2017, p.3.

610 CIT, Response to ATSIEB generic questions, April 2017, p.3.

611 CIT, Response to ATSIEB generic questions, April 2017, p.3.

612 CIT, Response to ATSIEB generic questions, April 2017, p.3.



7.19 It also stated that:

The CIT Yurauna Centre is a client focused multi-faceted educational centre that has direct contact with over 3,000 Aboriginal and Torres Strait Islander people as students, clients and/or families each year. CIT Yurauna Centre is proactive with an established customer service focused team that works closely within CIT and works in partnership with other organisations across the ACT to ensure the best outcomes for individuals and families. Formal feedback is sought through evaluation forms and student forums each week. CIT and CIT Yurauna Centre also actively engage with members of the CIT Aboriginal and Torres Strait Islander Advisory Committee as well as the ACT Aboriginal and Torres Strait Islander Elected Body at meetings — both formally and informally.<sup>613</sup>

#### 4 Increased knowledge of the agreement amongst staff

7.20 In relation to the fourth generic question, the directorate in its written response stated that:

A CIT executive attends the Aboriginal and Torres Strait Islander Agreement — Implementation Reference Group and informs the Executive Management Committee of the work of the reference group. The agreement has been distributed to executives, directors and senior managers throughout CIT and is considered as part of the RAP Working Group.<sup>614</sup>

#### 5 Aboriginal and Torres Strait Islander staff profile

7.21 In relation to the fifth generic question, the directorate in its written response stated that Aboriginal and Torres Strait Islander people comprised ‘15 of 691 paid staff’, or ‘2.2 per cent’ of establishment. Ten positions were ‘currently identified as Aboriginal and Torres Strait Islander in the payroll system’, and ‘nine of 15’ employees were female ‘equating to 60 per cent’ of Aboriginal and Torres Strait Islander staff.<sup>615</sup>

7.22 In relation to classifications, the response provided the following information.

Classification	No.
SOA	1
AS02	1
AS02/3	1
AS04	1
AS06	1
GS02	1
TL1	7
TL2E	2
<b>Total</b>	<b>15</b>

Regarding professional development and retention opportunities, the response stated that:

CIT staff have extensive opportunities for professional development including the opportunity to attend a two-day skills summit annually. Through the enterprise agreement, CIT teachers receive an annual allocation of funds (\$900) and time (36 teaching hours or two weeks) to participate in professional development activities.<sup>616</sup>

613 CIT, Response to ATSIEB generic questions, April 2017, pp.3–4.

614 CIT, Response to ATSIEB generic questions, April 2017, p.4.

615 CIT, Response to ATSIEB generic questions, April 2017, p.4.

616 CIT, Response to ATSIEB generic questions, April 2017, pp.4–5.



7.23 The response went on to say that:

All permanent and temporary full-time and part-time CIT staff are required to complete an annual Performance Management and Learning and Development Plan. The plan, *Setting my Direction—Individual Performance Management at CIT*, encourages career pathway planning, identification of aspirational goals such as leadership, identification of training opportunities as well as access to mentoring programs or mentoring from other staff members across CIT for teachers and general staff. The performance plan encourages self-reflection as well as an opportunity for informal and formal feedback.<sup>617</sup>

7.24 Regarding ‘increasing Aboriginal and Torres Strait Islander representation’, the response stated that:

Increasing employment opportunities for Aboriginal and Torres Strait Islander is a focus area for the CIT 2016–19 stretch RAP. In 2015 CIT employed an Aboriginal and Torres Strait Islander trainee and CIT provides work experience opportunities as appropriate and promotes CIT as an employer of choice for Aboriginal and Torres Strait Islander peoples.<sup>618</sup>

## **6 Aboriginal and Torres Strait Islander leadership**

7.25 In relation to the sixth generic question, the directorate in its written response stated that there were ‘limited opportunities for SES engagement at CIT as there are only 3 SES positions in the structure’, and that CIT had ‘one identified position at SOG A level’.<sup>619</sup>

## **7 Focused and effective services**

7.26 In relation to the seventh generic question, the directorate in its written response stated that:

CIT conducts an annual Learner Satisfaction Survey for all its students which includes the self-identification of Aboriginal and Torres Strait Islander students. In 2014, close to 4 per cent of respondents identified as being of Aboriginal or Torres Strait Islander background and of those 96.7 per cent were either satisfied or very satisfied with training at CIT. In 2015, Aboriginal or Torres Strait Islander students were approximately 3.5 per cent of all respondents and 95.2 per cent reported being either satisfied or very satisfied with training at CIT. CIT also has high levels of community engagement as described in question 2 (b).<sup>620</sup>

7.27 The response stated that CIT had seen ‘increasing enrolments of Aboriginal and Torres Strait Islander students from 2009 with a slight dip in 2014, and provided a table showing Aboriginal and Torres Strait Islander enrolments from 2010 to 2016’.<sup>621</sup>

## **8 Effective policy development and policy impact**

7.28 In relation to the eighth generic question, the directorate in its written stated that ‘CIT does not develop policy for the ACT’.<sup>622</sup>

617 CIT, Response to ATSIIEB generic questions, April 2017, p.5.

618 CIT, Response to ATSIIEB generic questions, April 2017, p.5.

619 CIT, Response to ATSIIEB generic questions, April 2017, p.5.

620 CIT, Response to ATSIIEB generic questions, April 2017, p.5.

621 CIT, Response to ATSIIEB generic questions, April 2017, pp.5–6.

622 CIT, Response to ATSIIEB generic questions, April 2017, p.6.



## **9 Budget allocations to programs, services and clients**

7.29 In relation to the ninth generic question, the directorate in its written response stated that:

Approximately 1 per cent of CIT's government appropriation budget is allocated specifically to Aboriginal and Torres Strait Islander programs, services and clients via CIT's Yurauna Centre; this is on top of programs and services conducted under CIT's general delivery to all students. Additional dedicated funding for the area comes in the form of commercial activity and Commonwealth grants (representing an additional 30 per cent budget on top of the ACT Government appropriation).<sup>623</sup>

7.30 It also stated that:

Facility expenses and general administration are covered by CIT Corporate Services and are not included in the 1 per cent allocation referenced above (a pro-rata estimation of the value of this support for 2016 is approximately \$400,000). Some administration takes place within the CIT Yurauna Centre with an ASO2 position and an ASO4 position accounting for approximate 18 per cent of the salary budget. These administrative positions are identified positions for Aboriginal and Torres Strait Islanders and the employees work directly with the students providing information and advice, running events, processing enrolments, and so on.<sup>624</sup>

7.31 It also stated that student numbers had 'increased by 133 per cent since 2010 (from 388 to 906)'; that 'additional client base growth may require additional funding'; and that student feedback and outcomes were 'positive'.<sup>625</sup>

## **10 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff**

7.32 In relation to the tenth generic question, the directorate in its written response stated that:

CIT Yurauna Centre provides cultural support to staff and students including a buddy system for new employees. CIT provides rotations and exchanges of job roles, learning and development plans, and career pathway plans. CIT has a support officer for Aboriginal and Torres Strait Islander employees and leadership coaching is currently being accessed by senior staff.<sup>626</sup>

## **11 A specific Aboriginal and Torres Strait Islander Staff Network**

7.33 In relation to the eleventh generic question, the directorate responded by stating 'No, but CIT Yurauna facilitates informal networking opportunities'.<sup>627</sup>

## **12 Support for staff to participate in the Murranga Murranga Employee Network**

7.34 In relation to the twelfth generic question, the directorate responded by stating 'Yes, CIT is pleased that an additional network is now available for more senior Aboriginal and Torres Strait Islander employees'.<sup>628</sup>

623 CIT, Response to ATSIEB generic questions, April 2017, p.6.

624 CIT, Response to ATSIEB generic questions, April 2017, p.6.

625 CIT, Response to ATSIEB generic questions, April 2017, p.7.

626 CIT, Response to ATSIEB generic questions, April 2017, p.7.

627 CIT, Response to ATSIEB generic questions, April 2017, p.7.

628 CIT, Response to ATSIEB generic questions, April 2017, p.7.



### 13 Aboriginal and Torres Strait Islander Cultural Awareness Training

7.35 In relation to the thirteenth generic question, the directorate in its written response stated that CIT provided 'cultural awareness training to staff for no cost', and that 'six cultural awareness training sessions' had been delivered in 2016.<sup>629</sup>

### 14 Cultural training for Director-General and senior executives

7.36 In relation to the fourteenth generic question, the directorate in its written response stated that:

Increasing participation in cultural awareness training is a focus area for the CIT 2016–19 stretch RAP with a target for all CIT staff to participate in cultural awareness training within three years. CIT will also conduct a cultural awareness immersion experience with one group of staff per year. Key aspects of cultural awareness will be included in CIT online induction.<sup>630</sup>

## Hearings

7.37 As noted at the beginning of this chapter, in this instance officers from CIT did not appear in hearings before the Elected Body.

## Elected Body comment

### Written responses

7.38 Written responses by CIT to the Elected Body's generic questions provided details of the CIT's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.

7.39 These included:

- provision of 'a dedicated Indigenous Vocational Educational Centre of Excellence' in the shape of the CIT Yurauna Centre<sup>631</sup>
- implementation of parts of the ACT Aboriginal and Torres Strait Islander Agreement by promoting: cultural proficiency;<sup>632</sup> 'Healthy mind, healthy body';<sup>633</sup> cultural and physical safety;<sup>634</sup> connections to community;<sup>635</sup> transition into employment;<sup>636</sup> educational achievement;<sup>637</sup> and 'career progression for Indigenous staff'<sup>638</sup>
- establishment of relationships with Aboriginal and Torres Strait Islander representative bodies and businesses<sup>639</sup>
- engagement with the Aboriginal and Torres Strait Islander Agreement — Implementation Reference Group<sup>640</sup>

629 CIT, Response to ATSIEB generic questions, April 2017, p.7.

630 CIT, Response to ATSIEB generic questions, April 2017, p.7.

631 CIT, Response to ATSIEB generic questions, April 2017, p.1.

632 CIT, Response to ATSIEB generic questions, April 2017, pp.1–2.

633 CIT, Response to ATSIEB generic questions, April 2017, p.2.

634 CIT, Response to ATSIEB generic questions, April 2017, p.2.

635 CIT, Response to ATSIEB generic questions, April 2017, p.2.

636 CIT, Response to ATSIEB generic questions, April 2017, pp.2–3.

637 CIT, Response to ATSIEB generic questions, April 2017, p.3.

638 CIT, Response to ATSIEB generic questions, April 2017, p.3.

639 CIT, Response to ATSIEB generic questions, April 2017, p.3.

640 CIT, Response to ATSIEB generic questions, April 2017, p.4.



- a focus on increasing 'employment opportunities' for Aboriginal and Torres Strait Islander people as part of the 'CIT 2016–19 stretch RAP'<sup>641</sup>
- increasing numbers of Aboriginal and Torres Strait Islander students at CIT, since 2009<sup>642</sup>
- allocation of approximately '1 per cent of CIT's government appropriation budget' specifically to 'Aboriginal and Torres Strait Islander programs, services and clients via CIT's Yurauna Centre', in addition to 'programs and services conducted under CIT's general delivery to all students'<sup>643</sup>
- provision, at CIT Yurauna Centre, of 'cultural support to staff and students including a buddy system for new employees'; of 'rotations and exchanges of job roles, learning and development plans, and career pathway plans'; of 'a support officer for Aboriginal and Torres Strait Islander employees' and leadership coaching.<sup>644</sup>

## Responses in hearings

- 7.40 As noted, CIT did not appear in hearings, and the Education Directorate did not receive questions regarding CIT.

## Elected Body views and recommendations

- 7.41 The Elected Body notes the importance of the work done by CIT, including that done at the CIT Yurauna Centre as a dedicated vocational education provider for Aboriginal and Torres Strait Islander students.
- 7.42 The Elected Body also notes the views it put forward in the previous chapter regarding the importance of educational achievement to the wellbeing of Aboriginal and Torres Strait Islander people in the ACT.
- 7.43 It is pleasing to the Elected Body to see evidence of an increase in numbers of Aboriginal and Torres Strait Islander students at CIT Yurauna Centre over time. The Elected Body also notes statements by CIT that this trend, if continued, would require further funding if those students were to be supported effectively.
- 7.44 In light of this the Elected Body makes the following recommendation.

## RECOMMENDATION 9

- 7.45 **The Elected Body recommends that the ACT Government conduct a prospective analysis of the resource needs of CIT Yurauna Centre and in the future provide budget funding which reflects increasing numbers of Aboriginal and Torres Strait Islander students in programs at CIT Yurauna Centre.**

641 CIT, Response to ATSIEB generic questions, April 2017, p.5.

642 CIT, Response to ATSIEB generic questions, April 2017, pp.5, 6.

643 CIT, Response to ATSIEB generic questions, April 2017, p.6.

644 CIT, Response to ATSIEB generic questions, April 2017, p.7.

## 8 JUSTICE AND COMMUNITY SAFETY DIRECTORATE



### Introduction

- 8.1 The Justice and Community Safety Directorate (JACS) has administrative responsibility for a number of agencies which appeared before the Elected Body in hearings, including:
- ACT Corrective Services
  - ACT Emergency Services
  - ACT Policing
  - the ACT Human Rights Commission.
- 8.2 In addition, the directorate is responsible for legislation, policy and programs which are relevant to Aboriginal and Torres Strait Islander people.
- 8.3 Witnesses from these agencies, including the directorate administration, appeared before the Elected Body in hearings of 13 April 2017.
- 8.4 As for other agencies, the directorate was asked to respond to generic questions provided by the Elected Body to ACT Government directorates. These are considered below, followed by an account of public hearings in which the directorate appeared before the Elected Body.

### Responses to generic questions

#### 1 Equitable access and increased impact

- 8.5 In relation to the first generic question, the directorate in its written response indicated:
- recognition of the cultural rights of Aboriginal and Torres Strait Islander people by way of amendments proposed, and subsequently passed by the Legislative Assembly for the ACT, to the *Human Rights Act 2004*<sup>645</sup>
  - involvement in the *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*<sup>646</sup>
  - signing of 'a three-year service funding agreement with the Women's Legal Centre (WLC) in August 2014 to employ an Aboriginal and Torres Strait Islander Officer to provide case management for Aboriginal and Torres Strait Islander women seeking support for law and justice matters'<sup>647</sup>
  - conclusion of an agreement with the Aboriginal Legal Service (NSW/ACT) to 'deliver a range of services previously offered by the former Aboriginal Justice Centre'<sup>648</sup>
  - support for the Galambany Court, a 'culturally-sensitive and specialist sentencing process for eligible Aboriginal and Torres Strait Islander defendants within the ACT Magistrates Court'<sup>649</sup>

<sup>645</sup> Justice and Community Safety Directorate (JACS), Response to ATSIEB generic questions, April 2017, p.1.

<sup>646</sup> JACS, Response to ATSIEB generic questions, April 2017, p.1.

<sup>647</sup> JACS, Response to ATSIEB generic questions, April 2017, p.2.

<sup>648</sup> JACS, Response to ATSIEB generic questions, April 2017, p.3.

<sup>649</sup> JACS, Response to ATSIEB generic questions, April 2017, p.3.



- involvement in a trial of a ‘family-centric service support model for Aboriginal and Torres Strait Islander families’ as part of the an ACT Justice Reinvestment Strategy<sup>650</sup>
- expansion of the ACT’s Restorative Justice Scheme so that ‘Aboriginal and Torres Strait Islander victims and offenders will now get access to this alternative justice, in some appropriate circumstances, for diversion away from the formal court system’<sup>651</sup>
- development of the Crimes Legislation Amendment Bill (Aboriginal Interview Friends), ‘to require a police officer, when intending to ask an Aboriginal or Torres Strait Islander person to consent to a forensic procedure, to inform the person that a legal service will be informed and to notify a relevant legal service’, and to add a ‘mechanism . . . to allow an Aboriginal or Torres Strait Islander person to decline the presence of an Interview Friend or lawyer during a forensic procedure’<sup>652</sup>
- trialling of a Bail Support Service for ‘Aboriginal and Torres Strait Islander people and other vulnerable people’<sup>653</sup>
- trialling of ‘specialised reports prepared for sentencing courts for Aboriginal and Torres Strait Islander offenders’, to provide ‘background information about an offender’s community, family and personal circumstances and also any relationship between the cultural, social and historical issues confronted by Aboriginal and Torres Strait Islander people and the individual’s offending behaviour’.<sup>654</sup>

8.6 The response indicated programs and initiatives under the administration of ACT Corrective Services, including:

- ‘increasing support for the Extended Throughcare program in the Alexander Maconochie Centre (AMC) and the community
- creation of a new identified case management position in the AMC
- development and support of new education and programs and the strengthening of existing programs in the AMC specifically for Aboriginal and Torres Strait Islander detainees’.<sup>655</sup>

8.7 In addition, in relation to ACT Policing, the response indicated that:

ACT Policing has an Aboriginal Liaison Officer within its structure who engages extensively with the community and works to build linkages between the community and ACT Policing. JACS provided an additional \$150,000 in funding to ACT Policing in 2016–17 to provide capacity for an additional Aboriginal Liaison Officer to be employed to work with and support the families involved in the Justice Reinvestment Trial.<sup>656</sup>

## **2 Implement ACT Aboriginal and Torres Strait Islander Agreement**

8.8 In relation to the second generic question, the directorate in its written response noted that the ACT Government, in conjunction with the ACT Aboriginal and Torres Strait Islander Elected Body, had launched the second Aboriginal and Torres Strait Islander Justice Partnership (agreement) in July 2015.<sup>657</sup>

8.9 The response advised that:

650 JACS, Response to ATSIEB generic questions, April 2017, p.3.

651 JACS, Response to ATSIEB generic questions, April 2017, p.4.

652 JACS, Response to ATSIEB generic questions, April 2017, p.4.

653 JACS, Response to ATSIEB generic questions, April 2017, p.5.

654 JACS, Response to ATSIEB generic questions, April 2017, p.5.

655 JACS, Response to ATSIEB generic questions, April 2017, p.5.

656 JACS, Response to ATSIEB generic questions, April 2017, p.8.

657 JACS, Response to ATSIEB generic questions, April 2017, p.8.



The partnership takes a targeted approach to addressing the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system, which detail targets, measures, actions and areas of accountability. The objectives of the partnership have been identified to focus specifically on priority areas where there is an identified need. This includes addressing high incarceration rates for both adults and youth and over representation in the criminal justice system.<sup>658</sup>

- 8.10 The response advised that the three main objectives of the 'new partnership' were:
- reducing over-representation by reducing recidivism and increasing access to diversionary programs
  - improving access to justice services
  - improving data collection and reporting.<sup>659</sup>
- 8.11 The response advised that within the partnership agreement, Corrective Services was responsible for 'specific actions', including objectives to:
- 8.12 have '90 per cent or more of Aboriginal and Torres Strait Islander sentenced offenders released from the AMC entering the Throughcare program by 2017', in relation to which 'ACTCS is already achieving a higher percentage than this standard'<sup>660</sup>
- 8.13 implement 'specific programs and services that address the needs of Aboriginal and Torres Strait Islander offenders in custody and in the community'<sup>661</sup>
- 8.14 provide 'outreach support to Aboriginal and Torres Strait Islander adult offenders on community-based orders'.<sup>662</sup>

### **3 Aboriginal and Torres Strait Islander organisations and community**

- 8.15 In relation to the third generic question, the directorate in its written response stated, among other things, that the directorate recognised 'the benefits of actively engaging with Aboriginal and Torres Strait Islander organisations and community generally'.<sup>663</sup>
- 8.16 It stated that in addition to the directorate's 'ongoing engagement with the Elected Body', examples of engagement with organisations included 'extensive consultations with Gugan Gulwan and Winnunga Nimmityjah in relation to justice matters and specifically Justice Reinvestment'.<sup>664</sup>
- 8.17 It also stated that the directorate had 'participated in a number of justice related forums with the Elected Body and community generally'.<sup>665</sup>
- 8.18 The response went on to say that a 'key component' of the Justice Reinvestment Strategy was the development of a Justice Reinvestment trial:

The trial is being developed in partnership with the community sector. Its development involved a rapid co-design process including two workshops with over 50 people from government, community, academia and a small group of people with lived experience. The trial will focus on providing support to Aboriginal and Torres Strait Islander families involved in the criminal justice system (approximately ten families).<sup>666</sup>

658 JACS, Response to ATSIEB generic questions, April 2017, p.8.

659 JACS, Response to ATSIEB generic questions, April 2017, p.8.

660 JACS, Response to ATSIEB generic questions, April 2017, p.8.

661 JACS, Response to ATSIEB generic questions, April 2017, p.8.

662 JACS, Response to ATSIEB generic questions, April 2017, p.8.

663 JACS, Response to ATSIEB generic questions, April 2017, p.9.

664 JACS, Response to ATSIEB generic questions, April 2017, p.9.

665 JACS, Response to ATSIEB generic questions, April 2017, p.9.

666 JACS, Response to ATSIEB generic questions, April 2017, pp. 9–10.



8.19 It went on to say that:

Given this focus, JACS officers have had ongoing consultations with Aboriginal and Torres Strait Islander organisations including Gugan Gulwan, Winnunga Nimmityjah and the Aboriginal Legal Service. JACS has also liaised with the Elected Body throughout this process, primarily via the Elected Body's Justice Representatives meetings with the Director-General and at officer level.<sup>667</sup>

#### 4 Increased knowledge of the agreement amongst staff

8.20 In relation to the fourth generic question, the directorate in its written response stated that:

The *ACT Aboriginal and Torres Strait Islander Justice Agreement 2015–2018* was promoted to staff through email at the time of its launch and publication. As the agreement is a relatively new initiative, there will be further opportunities to promote it to staff into the future, including our Indigenous staff presenting on its contents to their respective business units.<sup>668</sup>

8.21 It went on to say that:

Additionally, in the 2016–17 financial year ACTCS Custodial Operations had a significant focus on Indigenous issues in its business planning. This focus will be built upon in developing and delivering against ACTCS' Strategic and Business plans in the 2017–18 financial years.<sup>669</sup>

#### 5 Aboriginal and Torres Strait Islander staff profile

8.22 In relation to the fifth generic question, the directorate in its written response stated that:

- as at 29 June 2016, 'the directorate had 41 employees who identified themselves as being from an Aboriginal and Torres Strait Islander background', and that this represented '2.4 per cent of the directorate's workforce'<sup>670</sup>
- as at June 2016, 'the directorate had ten identified positions' for people of Aboriginal and Torres Strait Islander background<sup>671</sup>
- as at 29 June 2016, 'of the 41 staff who identified themselves as being from an Aboriginal and Torres Strait Islander background there were 19 female and 22 male identified employees in the directorate'.<sup>672</sup>

8.23 In relation to classifications of Aboriginal and Torres Strait Islander employees, the response provided<sup>673</sup> the following information:

##### Classification

Ambulance Support Officer 1

Ambulance Paramedic

Administrative Services Officer 2

Administrative Services Officer 3

Administrative Services Officer 5

Administrative Services Officer 6

667 JACS, Response to ATSIEB generic questions, April 2017, pp. 9–10.

668 JACS, Response to ATSIEB generic questions, April 2017, p.10.

669 JACS, Response to ATSIEB generic questions, April 2017, p.10.

670 JACS, Response to ATSIEB generic questions, April 2017, p.11.

671 JACS, Response to ATSIEB generic questions, April 2017, p.11.

672 JACS, Response to ATSIEB generic questions, April 2017, p.11.

673 JACS, Response to ATSIEB generic questions, April 2017, pp.11–12.



Classification
Contract Executive
Correctional Officer 1
Correctional Trainee
Fire Brigade 1
Fire Brigade 3
Fire Brigade 4
Graduate Administrative Assistant
Indigenous Trainee
Senior Officer Grade B

In relation to 'professional development and retention opportunities in place', the response stated, among other things, that:

All staff including Aboriginal and Torres Strait Islander employees have access to JACS leadership, training and development opportunities via the JACS Learning and Development Calendar, specific job training provided by their business units, various nationally accredited programs and study opportunities. Some of the training places are also allocated for Aboriginal and Torres Strait Islander employees.<sup>674</sup>

- 8.24 The response provided examples of 'centrally organised professional development programs undertaken by Aboriginal and Torres Strait Islander employees in 2015–16 financial year'.<sup>675</sup>
- 8.25 It provided details of retention measures 'currently in place for JACS Aboriginal and Torres Strait Islander employees', and other programs in which Aboriginal and Torres Strait Islander employees had participated.<sup>676</sup>
- 8.26 It also provided details, and examples of ways in which the directorate would 'continue to explore ways to increase Aboriginal and Torres Strait Islander representation' through the 'implementation of the JACS Aboriginal and Torres Strait Islander Employment Action Plan 2016–2019 and JACS third Reconciliation Action Plan', which would be 'launched later in the year'.<sup>677</sup>

## 6 Aboriginal and Torres Strait Islander leadership

- 8.27 In relation to the sixth generic question, the directorate in its written response stated that in order to encourage leadership the directorate had:
- 'engaged coaches for two employees
  - had a senior executive as a mentor to an employee
  - provided opportunities to perform higher duties
  - created an Inclusion Officer position and developed the skills set of the officer'.<sup>678</sup>
- 8.28 The response advised that the directorate was 'committed to providing opportunities for all Aboriginal and Torres Strait Islander employees that support their individual development and career aspirations',

674 JACS, Response to ATSIEB generic questions, April 2017, p.12.

675 JACS, Response to ATSIEB generic questions, April 2017, p.12.

676 JACS, Response to ATSIEB generic questions, April 2017, pp.13–14.

677 JACS, Response to ATSIEB generic questions, April 2017, pp.14–15.

678 JACS, Response to ATSIEB generic questions, April 2017, p.15.



and that with the implementation of JACS Aboriginal and Torres Strait Islander Employment Action Plan in May 2016, the directorate 'in consultation with their Aboriginal and Torres Strait Islander staff', would:

- 'encourage all Aboriginal and Torres Strait Islander staff to have performance plans which include identifying professional development and work-related study opportunities
- identify career pathways for permanent Aboriginal and Torres Strait Islander staff
- allocate a proportion of places on leadership or management development programs for Aboriginal and Torres Strait Islander staff
- offer employees access to mentoring programs'.<sup>679</sup>

8.29 The response advised that in one instance an Aboriginal woman had 'been promoted to Senior Officer Grade B within Custodial Operations', and had been 'supported to participate in higher education, thus giving her access to a higher salary increment under the relevant enterprise agreement' and was, in 2015, 'provided with an opportunity to perform higher duties as Senior Manager, Workforce Development and Training'. The response stated that this person was 'currently the most senior Aboriginal and Torres Strait Islander person' employed by Corrective Services.<sup>680</sup>

8.30 In addition, the response advised that Corrective Services continued 'to work with stakeholders and community through day to day operational contact to promote the recruitment of Aboriginal and Torres Strait Islander people to positions at all levels'.<sup>681</sup>

## **7 Focused and effective services**

8.31 In relation to the seventh generic question, the directorate in its written response stated, in relation to 'programs', that:

The Culture and Land Management Program is available only to eligible Indigenous detainees in the AMC. A new approach to the delivery of this program has been adopted with an increased focus on traditional culture, art, music, and horticulture and land management. These culturally-specific inclusions have been integrated with the existing emphasis on language, literacy and numeracy skills. The program is delivered in conjunction with external agencies such as Greening Australia and Winnunga. This expanded engagement now caters for more than 80 per cent of Indigenous detainees in the AMC. Detainees who complete this course achieve a Certificate II in Conservation and Land management.<sup>682</sup>

8.32 The response stated that:

Within the AMC, ACTCS also provides for fortnightly counselling provided by the Dhunlung Yarra Service. This is a dedicated Aboriginal and Torres Strait Islander therapeutic service staffed by Aboriginal professionals within Relationships Australia Canberra.

Additionally, a culturally-sensitive interview space has been established within Community Corrections to encourage agencies such as the Aboriginal Legal Service to engage with Aboriginal and Torres Strait Islander offenders and Community Corrections officers on-site.<sup>683</sup>

8.33 The response also stated that:

ACTCS has also partnered with Winnunga to create a community-based reporting hub for Aboriginal and Torres Strait Islander adult offenders on community-based orders. The service commenced operation in

679 JACS, Response to ATSIEB generic questions, April 2017, pp.15–16.

680 JACS, Response to ATSIEB generic questions, April 2017, p.16.

681 JACS, Response to ATSIEB generic questions, April 2017, p.16.

682 JACS, Response to ATSIEB generic questions, April 2017, p.16.

683 JACS, Response to ATSIEB generic questions, April 2017, p.16.



November 2015 and enables offenders to meet reporting conditions at a culturally-appropriate facility while also providing them the opportunity to access the range of health and wellbeing services offered by the service, all with a view to reducing 'conditions' breaches of such orders.<sup>684</sup>

8.34 In further comment, the response made reference to:

- the Extended Throughcare Program<sup>685</sup>
- the work of the Indigenous Official Visitor.<sup>686</sup>

## 8 Effective policy development and policy impact

8.35 In relation to the eighth generic question, the written response referred to the directorate's:

- responsibility for the Galambany Circle Sentencing Court<sup>687</sup>
- support for the 'Outward Bound Skills for Life Program'<sup>688</sup>
- funding for the Aboriginal Legal Service for the 'Front Up Program';<sup>689</sup> 'Interview Friends' Programs; Galambany 'Circle' Court; and Extended Throughcare Support<sup>690</sup>
- funding for the 'Aboriginal and Torres Strait Islander Women's Access to Justice Program' offered by the Women's Legal Centre<sup>691</sup>
- support for 'Indigenous Guidance Partners', intended to ensure 'that Aboriginal and Torres Strait Islander people receive a culturally appropriate service and maximises the positive benefits that participation in Restorative Justice (RJ) can provide'<sup>692</sup>
- responsibility for the Justice Reform Strategy<sup>693</sup>
- review of recommendations from the Royal Commission into Aboriginal Deaths in Custody<sup>694</sup>
- policies made under the *Correction Management Act 2007*<sup>695</sup>
- involvement in a new program 'to establish a cultural awareness course for Aboriginal and Torres Strait Islander offenders who appear before the Circle Court', in association with the Canberra Institute of Technology and the Galambany Circle Sentencing Court.<sup>696</sup>

## 9 Budget allocations to programs, services and clients

8.36 In relation to the ninth generic question, the directorate in its written response stated, among other things, that the directorate had allocated \$10,300 of its budget to support its RAP and Aboriginal and Torres Strait Islander activities including Reconciliation Week, NAIDOC week celebrations in 2015–16 and the launch of the directorate's second Aboriginal and Torres Strait Islander Employment Action Plan.<sup>697</sup>

684 JACS, Response to ATSIEB generic questions, April 2017, p.16.

685 JACS, Response to ATSIEB generic questions, April 2017, p.17.

686 JACS, Response to ATSIEB generic questions, April 2017, p.17.

687 JACS, Response to ATSIEB generic questions, April 2017, p.18.

688 JACS, Response to ATSIEB generic questions, April 2017, p.18.

689 JACS, Response to ATSIEB generic questions, April 2017, p.18.

690 JACS, Response to ATSIEB generic questions, April 2017, p.19.

691 JACS, Response to ATSIEB generic questions, April 2017, p.19.

692 JACS, Response to ATSIEB generic questions, April 2017, p.19.

693 JACS, Response to ATSIEB generic questions, April 2017, p.20.

694 JACS, Response to ATSIEB generic questions, April 2017, pp.20–21.

695 JACS, Response to ATSIEB generic questions, April 2017, p.21.

696 JACS, Response to ATSIEB generic questions, April 2017, p.21.

697 JACS, Response to ATSIEB generic questions, April 2017, p.22.



- 8.37 It stated that this expenditure included allocations to 'hire booths at the CareersXpo on 3–4 August 2016', the purpose of which was 'to raise awareness of the career opportunities including support services to Aboriginal and Torres Strait Islander people living in the ACT'.<sup>698</sup>
- 8.38 It stated that the directorate would:
- increase its budget in 2016–17 to implement activities following the launch of a new RAP later in the year, implement actions under the Aboriginal and Torres Strait Islander Employment Action Plan and support the development of the new trainees under the Indigenous Employment Pathways Program'.<sup>699</sup>
- 8.39 The response stated that in 2015–16 the directorate had spent \$925,981 on 'Corrective Services Indigenous designated employees', who provided 'designated staff to assist Indigenous offenders', providing 'services specifically for Aboriginal and Torres Strait Islander clients, including case management, detainee welfare and service coordination'. Funding for that had 'risen substantially in recent years from \$467,826 in 2011–12', and 'little of the funding [was] utilised for administrative purposes'.<sup>700</sup>
- 8.40 The response also advised that funding was also allocated through the Legislation, Planning and Programs section of the directorate 'to support Aboriginal and Torres Strait Islander people in the justice system' in connection with the following programs:
- Outward Bound — \$49,400 ex GST
  - Bail Support (Australian Institute of Criminology *Bail Support Services Report*) — \$22,408.18 ex GST
  - Women's Legal Centre (funding for Indigenous Women's Access to Justice Law Support Program) — \$117,531.01 ex GST.<sup>701</sup>

## **10 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff**

- 8.41 In relation to the tenth generic question, the directorate in its written response stated that in the 2015–16 financial year, 'two Aboriginal and Torres Strait Islander staff had access to coaches and one had a senior executive for a mentor', and that feedback received from staff who had received coaching had indicated it had been 'a valuable experience'.<sup>702</sup>
- 8.42 The response stated that with the implementation of JACS Aboriginal and Torres Strait Islander Employment Action Plan, the directorate was 'committed' to:
- offering Aboriginal and Torres Strait Islander employees 'access to mentoring programs'
  - developing and implementing 'peer support for trainees and other entry level staff', as well as ensuring that this system was also 'made available to support existing staff'.<sup>703</sup>
- 8.43 The response also advised that the directorate currently employed an Inclusion Officer who was 'actively involved in coordinating a JACS Indigenous Staffing Network' for the 'specific purpose of providing Indigenous staff access to peer support from their senior Indigenous colleagues, including mentoring and coaching'.<sup>704</sup>

698 JACS, Response to ATSIEB generic questions, April 2017, p.22.

699 JACS, Response to ATSIEB generic questions, April 2017, p.23.

700 JACS, Response to ATSIEB generic questions, April 2017, p.23.

701 JACS, Response to ATSIEB generic questions, April 2017, p.24.

702 JACS, Response to ATSIEB generic questions, April 2017, p.24.

703 JACS, Response to ATSIEB generic questions, April 2017, p.24.

704 JACS, Response to ATSIEB generic questions, April 2017, p.25.



## **11 A specific Aboriginal and Torres Strait Islander Staff Network**

- 8.44 In relation to the eleventh generic question, the directorate in its written response stated that the directorate had an Aboriginal and Torres Strait Islander Network, and that staff 'were invited to the network meeting to ensure their voices are heard so JACS could reflect on their needs to progress their professional and personal development'. It stated that the network was hosted by the 'Aboriginal and Torres Strait Islander workforce champion with assistance from JACS Inclusion Officer'.<sup>705</sup>
- 8.45 The response stated that Corrective Services understood that 'with its increasing Indigenous staff numbers that there is a potential need for an ACTCS [Corrective Services] specific internal network, and that ACTCS management had 'provided scope for any such initiative to be explored and pursued by their Indigenous employees'.<sup>706</sup>
- 8.46 It stated that in September 2016, Directorate Aboriginal and Torres Strait Islander staff met with 'the workforce Champion Mr John Hinchey and the JACS Inclusion Officer, Mr Ross Fowler, at the AMC to progress diversity strategies', and that this meeting 'aligned with the JACS Inclusion Statement and promoted the Aboriginal and Torres Strait Islander Employment Action Plan'.<sup>707</sup>
- 8.47 The response stated that Aboriginal and Torres Strait Islander Staff within Corrective Services collaborated and supported each other 'on a more informal basis' when 'coordinating indigenous events such as NAIDOC family day, Art exhibition or the Elders Visitation at the AMC', and that Indigenous staff project-managed such events 'and any operational incidents' drawing on each other's 'cultural knowledge, skills and contacts'.<sup>708</sup>
- 8.48 In addition, the response stated, Corrective Services also mentored indigenous trainees and actively promoted 'career pathways for these staff, including, where appropriate, ensuring there [was] a position available for employment of suitable trainees upon completion of their traineeship'.<sup>709</sup>

## **12 Support for staff to participate in the Murranga Murranga Employee Network**

- 8.49 In relation to the twelfth generic question, the directorate in its written response stated that it did support staff participation in the Murranga Murranga network and that, additionally, Directorate staff played 'an active role in supporting the Murranga Murranga ACTPS Aboriginal and Torres Strait Islander Network by attending planned events, by attending meetings to support the current coordinator of the network'.<sup>710</sup>

## **13 Aboriginal and Torres Strait Islander Cultural Awareness Training**

- 8.50 In relation to the thirteenth generic question, the directorate in its written response stated that in the 2015–16 financial year, 64 JACS employees 'including two senior executives' had attended Aboriginal and Torres Strait Islander Cultural Awareness Training, and that its Director-General had attended this training in 2011.<sup>711</sup>

## **14 Cultural training for Director-General and senior executives**

- 8.51 In relation to the fourteenth generic question, the directorate in its written response stated that as part of the learning and development reporting process, 'those who have not attended will be invited to

705 JACS, Response to ATSIEB generic questions, April 2017, p.25.

706 JACS, Response to ATSIEB generic questions, April 2017, p.25.

707 JACS, Response to ATSIEB generic questions, April 2017, p.25.

708 JACS, Response to ATSIEB generic questions, April 2017, p.25.

709 JACS, Response to ATSIEB generic questions, April 2017, p.25.

710 JACS, Response to ATSIEB generic questions, April 2017, p.25.

711 JACS, Response to ATSIEB generic questions, April 2017, p.26.



participate in this program'. The Corrective Services Workforce Development and Training Unit was at that time 'undertaking a mapping exercise to more accurately capture all ACTCS training (including mandatory, accredited and non-accredited) and, once completed, the Corrective Services Workplace Development and Training Unit aimed 'to more pro-actively identify gaps in training, including cultural awareness and other relevant courses'. The response stated that this process would also enable Corrective Services to 'follow up with managers to ensure that staff are undertaking training relevant to their duties, regardless of whether they are mandatory courses'.<sup>712</sup>

## Hearings

8.52 The JACS appeared before the Elected Body in hearings of 13 April 2017.

### Matters considered

8.53 Matters considered in relation to JACS itself in hearings included:

- new programs and services<sup>713</sup>
- the 'Yarrabi Bamirr' trial and other aspects of justice reinvestment<sup>714\*</sup>
- new programs in relation to family violence<sup>715\*</sup>
- a proposal for a diversionary house to provide greater support to Indigenous detainees leaving prison<sup>716</sup>
- the 'Justice Partnership'<sup>717</sup>
- the impact of the introduction of the intensive correction orders in May 2016 on Aboriginal and Torres Strait Islander offenders<sup>718</sup>
- a disability justice plan<sup>719</sup>
- participation rates of Aboriginal and/or Torres Strait Islander peoples in the victims of crime program<sup>720</sup>
- participation rates of Aboriginal and/or Torres Strait Islander peoples in, and outcomes of, restorative justice<sup>721</sup>
- an evaluation of the Galambany Court in 2016<sup>722</sup>
- sources for advice to Corrective Services on Aboriginal and Torres Strait Islander issues.<sup>723</sup>

8.54 In relation to Corrective Services, matters considered included:

- an intention by ACT Corrective Services to expand the number of organisations it worked with in relation to community orders<sup>724</sup>

712 JACS, Response to ATSIEB generic questions, April 2017, p.26.

713 ATSIEB, *Proof Transcript*, 13 April 2017, pp.109 ff.

714 ATSIEB, *Proof Transcript*, 13 April 2017, pp.112–114. Starred items (\*\*) are dealt with in the section on 'Key issues' below.

715 ATSIEB, *Proof Transcript*, 13 April 2017, pp.114–116 and see also pp.128–129.

716 ATSIEB, *Proof Transcript*, 13 April 2017, p.120.

717 ATSIEB, *Proof Transcript*, 13 April 2017, pp.120–121.

718 ATSIEB, *Proof Transcript*, 13 April 2017, pp.123–124.

719 ATSIEB, *Proof Transcript*, 13 April 2017, p.124.

720 ATSIEB, *Proof Transcript*, 13 April 2017, pp.124–125.

721 ATSIEB, *Proof Transcript*, 13 April 2017, p.125.

722 ATSIEB, *Proof Transcript*, 13 April 2017, p.125.

723 ATSIEB, *Proof Transcript*, 13 April 2017, p.130.

724 ATSIEB, *Proof Transcript*, 13 April 2017, pp.121–122.



- a women's and children's program at the AMC<sup>725</sup>
- processes adopted in relation to the recommendations of the Royal Commission into Aboriginal Deaths in Custody<sup>726</sup>
- whether the ACT should have an office of inspector of custodial services.<sup>727\*</sup>

8.55 In relation to ACT Policing, matters considered included:

- how many formal pathway referrals assisting Aboriginal and Torres Strait Islander victims of crime had been developed and implemented since the inception of the ACT Aboriginal and Torres Strait Islander justice partnership 2015–18<sup>728\*</sup>
- a decrease in cautions for Aboriginal and Torres Strait Islander people, despite undertakings under the justice partnership to increase the use of cautions<sup>729\*</sup>
- responses to the Moss Report.<sup>730\*</sup>

8.56 In relation to ACT Human Rights Commission, matters considered included:

- the degree to which the AMC complied with human rights standards<sup>731\*</sup>
- the number of hours detainees engage in rehabilitation and work activities at the AMC.<sup>732</sup>

## Key issues

### The 'Yarrabi Bamirr' trial and other aspects of justice reinvestment

8.57 In hearings of 13 April 2017 the Elected Body asked questions regarding the 'Yarrabi Bamirr' justice reinvestment trial.<sup>733</sup>

8.58 Yarrabi Bamirr, Ngunnawal for 'walk tall', was launched in April 2017 as 'the ACT's first Justice Reinvestment Trial', in which the ACT Government would partner with Winnunga Nimmityjah Aboriginal Health Service to 'develop a family-focused response to address the over-representation of Aboriginal and Torres Strait Islander people in our justice system'.<sup>734</sup>

8.59 The Acting Deputy Director-General, Justice and Community Safety Directorate, told the Elected Body that:

Yarrabi Bamirr has taken us a long time. We have been negotiating quite seriously with the Aboriginal and Torres Strait Islander community. It needs to be very much community driven. The actual idea for Yarrabi Bamirr came from community groups. We have an advisory group as part of the justice reinvestment working group and that is part of our looking at things like reducing recidivism and reducing incarceration.<sup>735</sup>

725 ATSIIEB, *Proof Transcript*, 13 April 2017, p.122.

726 ATSIIEB, *Proof Transcript*, 13 April 2017, p.122.

727 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.125–126.

728 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.134–135.

729 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.135–137.

730 ATSIIEB, *Proof Transcript*, 13 April 2017, p.138.

731 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.141–142.

732 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.142–143

733 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.112–114. These matters were also considered later in hearings: see *Proof Transcript*, 13 April 2017, pp.126–127.

734 Mr Shane Rattenbury MLAS, 'Family-focused Justice Reinvestment trial to help reduce over-representation of Aboriginal and Torres Strait Islanders in justice system', (Media release), viewed 23 August 2017, available at: [www.cmd.act.gov.au/open\\_government/inform/act\\_government\\_media\\_releases/rattenbury/2017/family-focused-justice-reinvestment-trial-to-help-reduce-over-representation-of-aboriginal-and-torres-strait-islanders-in-justice-system](http://www.cmd.act.gov.au/open_government/inform/act_government_media_releases/rattenbury/2017/family-focused-justice-reinvestment-trial-to-help-reduce-over-representation-of-aboriginal-and-torres-strait-islanders-in-justice-system)

735 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.113.



8.60 She told the Elected Body that Yarrabi Bamirr was 'family focused':

It is recognising that when an individual in a family comes into contact with the justice system that has an impact on the whole family and can have downstream consequences. It is going in and doing intense case management. We will be working with Winnunga to help identify the families. It is going to work with, I expect, ten families and they will have a contact within the justice system.<sup>736</sup>

8.61 The Acting Deputy Director-General also spoke about other aspects of justice reinvestment in relation to Aboriginal and Torres Strait Islander people in contact with the criminal justice system. This included:

- the Restorative Justice Indigenous Guidance Partner Program<sup>737</sup>
- training and leadership camps for Aboriginal and Torres Strait Islander young people<sup>738</sup>
- an initiative to provide culturally-sensitive pre-sentence reports for Aboriginal and Torres Strait Islander offenders<sup>739</sup>
- a trial for a bail support program.<sup>740</sup>

8.62 These are considered below.

8.63 In relation to restorative justice Indigenous guidance partner program, the Acting Deputy Director-General told the Elected Body that:

The restorative justice Indigenous guidance partner has now moved to phase two, which is adult offenders and more serious offences. We have not yet moved to handling sexual offences and family violence but that is core phased, which we expect to come in next year. The Indigenous guidance partner there helps support Aboriginal and Torres Strait Islander adults. We already had an Indigenous guidance partner for young people. Really what they are doing is linking in with the community and providing support and it is really the link between restorative justice and the community there.<sup>741</sup>

8.64 She told the Elected Body that it was still 'early days', but having an Indigenous guidance partner had made 'an enormous difference' for Aboriginal and Torres Strait Islander young people in contact with the criminal justice system.<sup>742</sup>

8.65 In relation to training and leadership camps for Aboriginal and Torres Strait Islander young people, the Acting Deputy Director-General told the Elected Body that the proposal for the camps 'came out of Galambany Court, really, and what the community told us': that there was a lack of 'culturally appropriate sentencing options'.<sup>743</sup>

8.66 She told the Elected Body that the program was 'targeted towards young adults—18 to 24, maybe 25'—and was 'really [focused on] connecting people back with their heritage, teaching them leadership skills'. It was a five-day course: one sequence had been conducted, and the directorate was 'just going out to tender again to talk to organisations that have the skill set to provide that and do a bit of tinkering with it to make sure that it meets the required goals'.<sup>744</sup>

736 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.113.

737 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.112.

738 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.112.

739 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.113.

740 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.113.

741 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.112.

742 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.112.

743 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.112.

744 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.112.



- 8.67 She also said that in answer to the Elected Body's question about 'whether things work', that the directorate often employed 'intermediate indicators'.<sup>745</sup>
- For example, with the leadership training we have feedback after each camp is held. We also look at numbers and things like that and then we adjust to take that in. We are not interested in putting resources into things that do not deliver concrete results.<sup>746</sup>
- 8.68 In relation to the provision of culturally-sensitive pre-sentence reports, the Acting Deputy Director-General told the Elected Body that:
- The initiative around culturally-sensitive pre-sentence reports came out of part of the justice performance strategy. It also came up in the Legislative Assembly inquiry into sentencing and the report from that. What it was doing was looking at the Gladue reports in Canada, and we had an expert come and talk us through that. Legal Aid are doing some early scoping work for us, and I understand they have been discussing that with the DPP. It needs to be something that works. What it will do is work with the individual, but it will also reflect the experience of people who are Indigenous as a kind of Indigenous group. It is not just about individual experience.<sup>747</sup>
- 8.69 In relation to a bail support trial, the Acting Deputy Director-General told the Elected Body that the directorate was currently 'going out for tender' to seek providers. While this was 'not delivered yet', the directorate had 'gone and talked to stakeholders about where they see that making a difference and how we can have the model best placed to deliver the outcomes'. This reflected 'what we hear a lot from the community, which is that Aboriginal people in custody would not be in custody if there were [was] bail support'. 'Quite often', she told the Elected Body, the issue of housing emerged as a factor, and the directorate had 'been out to talk to stakeholders about that'.<sup>748</sup>

### **New programs in relation to family violence**

- 8.70 In hearings, the Elected Body considered new programs in relation to family violence.<sup>749</sup>
- 8.71 Speaking about the programs, the Coordinator General, Family Safety, told the Elected Body that:
- This role that I am in was created as part of the government's safer families package in last year's budget and was a recommendation of the ACT Government response to family violence, which looked across the board and drew on a whole range of reports to provide a comprehensive response to family violence.<sup>750</sup>
- 8.72 She told the Elected Body that there were 'a lot of parts to that package and that government response', but that 'the core of it' was 'about driving cultural change in government, the way we work in government, to provide a more integrated, joined-up response to families dealing with domestic and family violence'.<sup>751</sup>
- 8.73 This was 'clearly a significant need for Aboriginal and Torres Strait Islander families dealing with family violence'. Support that was provided was 'in silos' and dealt only with 'one part of their situation' and so was 'not going to be effective'. Rather, what was needed was:

<sup>745</sup> Ms Julie Field, *Proof Transcript*, 13 April 2017, p.112.

<sup>746</sup> Ms Julie Field, *Proof Transcript*, 13 April 2017, pp.112–113.

<sup>747</sup> Ms Julie Field, *Proof Transcript*, 13 April 2017, p.113.

<sup>748</sup> Ms Julie Field, *Proof Transcript*, 13 April 2017, p.113.

<sup>749</sup> ATSIIEB, *Proof Transcript*, 13 April 2017, pp.114–116.

<sup>750</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.114.

<sup>751</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.114.



a holistic and really integrated response that takes into account the effect on individuals subject to violence, understands the broader context for those families and their past experience with the justice system and with violence, looks at the wellbeing of children and looks at the connections with the justice system.<sup>752</sup>

8.74 She told the Elected Body that:

One of the key initiatives that form part of that safety families package is a commitment to co-design a family safety hub. Because it has been co-designed we do not have a final model. We do not know exactly what the family safety hub looks like, but the kind of driving objective of that is, again, to be a mechanism that brings together an integrated range of support for people dealing with domestic and family violence. It is also to be a mechanism that enables better sharing of information, to help with planning the right kind of support and doing the right kinds of assessments about risk and safety for individuals and families.<sup>753</sup>

8.75 She thought that one of the key initiatives in the safety families package was 'a commitment to co-design a family safety hub':<sup>754</sup>

Because it has been co-designed we do not have a final model. We do not know exactly what the family safety hub looks like, but the kind of driving objective of that is, again, to be a mechanism that brings together an integrated range of support for people dealing with domestic and family violence. It is also to be a mechanism that enables better sharing of information, to help with planning the right kind of support and doing the right kinds of assessments about risk and safety for individuals and families.<sup>755</sup>

8.76 The 'key thing about the family safety hub', she told the Elected Body, was:

if we really want it to have an impact and be a step change in the way we respond to domestic and family violence we have to start with the people who are the most vulnerable to domestic and family violence and the hardest to reach through existing services.<sup>756</sup>

8.77 She told the Elected Body that 'priority cohorts' for this work had been established, and that Aboriginal and Torres Strait Islander women and families were one of the priority cohorts, particularly in view of the fact that domestic and family violence was 'unreported in the whole community' and was 'even more under-reported for Aboriginal and Torres Strait Islander women in particular'.<sup>757</sup>

8.78 The first stage of this work involved a 'user insight piece' which would commence with interviews of 'a range of front-line workers' because 'we recognise that a big part of the job of the people who work directly with families and people affected by violence is trying to make the system work and be integrated and holistic in its response'. She told the Elected Body that this was part of an effort to 'to understand their perspectives' because 'whatever we design for the family safety hub has to work for them, as the people who are trying to provide the best support for clients'.<sup>758</sup>

8.79 The 'next step' was to 'reach people with lived experience of violence and bring their direct experiences into the design of the family safety hub'. This would feed into 'a design phase where we will be bringing those insights together and looking at how we bring a systemic response to that'.<sup>759</sup>

<sup>752</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.114.

<sup>753</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.114.

<sup>754</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.114.

<sup>755</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.114.

<sup>756</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.115.

<sup>757</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.115.

<sup>758</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.115.

<sup>759</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.115.



- 8.80 She told the Elected Body that the current process was resulting in 'some really good conversations with a range of front-line services that are working with Aboriginal and Torres Strait Islander families' and that there was 'a lot of enthusiasm about trying to design with Aboriginal and Torres Strait Islander people's perspectives front and centre rather than design something mainstream' and then trying to 'make it fit afterwards'.<sup>760</sup>
- 8.81 'Ideally', she told the Elected Body, the family safety hub co-design would result in 'something that enables the services to connect more easily and brings a holistic package of support to people wherever they enter the system'. It would work 'from that principle that there should not be any wrong front door', so that 'wherever you seek help you should be able to get holistic help'. Her expectation was that the initial design would be 'something that may be relatively contained to start with, in terms of its scope', which would test the concept and then allow the program to 'build on it'.<sup>761</sup>

### **Sources for advice on Aboriginal and Torres Strait Islander issues**

- 8.82 In hearings, the Elected Body asked questions as to sources for advice to Corrective Services on Aboriginal and Torres Strait Islander issues.<sup>762</sup>
- 8.83 In responding, the Coordinator General, Family Safety, told the Elected Body that:
- Since I started in the role in November I have had a lot of meetings with community sector representatives and have been progressively working through building linkages with Aboriginal and Torres Strait Islander communities and other representatives. I had the opportunity to participate in the Aboriginal and Torres Strait Islander community forum that the elected body co-sponsored with the Domestic Violence Prevention Council a couple of weeks ago, which was a really great opportunity to connect really directly with a number of community representatives, particularly the network of Aboriginal and Torres Strait Islander workers in the community sector. It was extremely useful, and we have invited some of those people to participate in our user insights research piece for the family safety hub, so we think there will be a huge amount of value in doing that.<sup>763</sup>
- 8.84 She told the Elected Body that:
- I have connected directly with representatives on the elected body dealing with justice and community safety issues, and I am happy to also engage with the elected body on an ongoing basis in whatever way you would find most useful. I see the elected body as an important part of our connection with community, working with Aboriginal and Torres Strait Islander organisations in the community sector, and working on reaching some of the other community sector organisations that have an emphasis on service delivery for Aboriginal and Torres Strait Islander people. An example is the women's legal service, which has a specific domestic violence program for Aboriginal and Torres Strait Islander women and families.<sup>764</sup>
- 8.85 She went on to say that:
- In terms of my own office, I am part of the Justice and Community Safety Directorate and have signed up, as all of the senior executives have, to our commitment through the reconciliation action plan and the strategies to improve Aboriginal and Torres Strait Islander representation in our workforce. My office is very small, but I would certainly be keen to ensure that, as we recruit, we are looking at opportunities to bring Aboriginal and Torres Strait Islander people into the office directly.<sup>765</sup>

<sup>760</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.115.

<sup>761</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.116.

<sup>762</sup> ATSIEB, *Proof Transcript*, 13 April 2017, p.130.

<sup>763</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.130.

<sup>764</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.130.

<sup>765</sup> Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.130.



### **Whether the ACT should have an office of inspector of custodial services**

8.86 In hearings, the Elected Body asked whether the ACT Government had given consideration to creating an office of an inspector of custodial services.<sup>766</sup>

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

As part of the response to the Moss report, one of the key features of the recommendations was that Minister Rattenbury, as Minister for Corrections, made a commitment to introducing an inspectorate by the end of this year. The directorate is currently considering options and arrangements to facilitate that. The Minister for Corrections will clearly make an announcement in due course about that. There is a clear commitment to have an agreed model operating here by the end of this year.<sup>767</sup>

### **Pathway referrals under the of the *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18***

8.88 In hearings, the Elected Body asked how many formal pathway referrals assisting Aboriginal and Torres Strait Islander victims of crime had been developed and implemented since the inception of the *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*.<sup>768</sup>

8.89 In responding, the Chief Police Officer (CPO) told the Elected Body that:

One of those pathways is restorative justice [and our] target there is 100 per cent of those eligible being referred. We have achieved that objective. I do not have statistics before me with regard to referrals to other agencies, but I am certainly confident, based on the advice I have had, that all of those who are eligible, or who we identify as having benefit from a whole-of-government or multi-agency approach, are referred through the assistance of SupportLink.<sup>769</sup>

8.90 The Deputy Chief Police Officer also responded. He told the Elected Body that he thought SupportLink was 'a critical component for our officers in terms of ensuring that our engagement with the community', 'where that assistance is required', in 'providing the best options available and the right support to those individuals'. He told the Elected Body that SupportLink was 'critical to that', but that liaison officers and ongoing community engagement were also 'quite critical'.<sup>770</sup>

8.91 The CPO also told the Elected Body that:

whilst we might not have specific statistics, certainly anecdotally the advice I am receiving is very positive, as you said, particularly in regard to the Indigenous network. In regard to the relationships, we all know that what is critical to success is having relationships of trust. Certainly we are seeing some great success there.<sup>771</sup>

### **A decrease in cautions for Aboriginal and Torres Strait Islander people**

8.92 In hearings, the Elected Body asked questions regarding a decrease in cautions for Aboriginal and Torres Strait Islander people, despite undertakings under the justice partnership to increase the use of cautions.<sup>772</sup>

<sup>766</sup> ATSIIEB, *Proof Transcript*, 13 April 2017, pp.125–126.

<sup>767</sup> Mr David Pryce, *Proof Transcript*, 13 April 2017, p.126.

<sup>768</sup> ATSIIEB, *Proof Transcript*, 13 April 2017, pp.134–135.

<sup>769</sup> Assistant Commissioner Justine Saunders, *Proof Transcript*, 13 April 2017, p.134.

<sup>770</sup> Commander Mark Walters, *Proof Transcript*, 13 April 2017, p.134.

<sup>771</sup> Assistant Commissioner Justine Saunders, *Proof Transcript*, 13 April 2017, p.134.

<sup>772</sup> ATSIIEB, *Proof Transcript*, 13 April 2017, pp.135–137.



- 8.93 In responding, the CPO told the Elected Body that ‘unfortunately’ much of this was ‘beyond our control’. ‘Certainly’, she said, ‘all of those that are eligible for caution are cautioned’.<sup>773</sup>
- 8.94 She also told the Elected Body that options ‘other than prosecution’ were pursued, however, to ‘give an indication of the challenges’, she provided ‘some statistics for October through to March’.<sup>774</sup>
- During that period there were 203 offenders charged with 874 separate offences. Most offenders were charged with multiple offences—in one case, 15 separate offences. The highest number of offences related to breach of bail and outstanding warrants, accounting for 22 per cent of those offences. Common assault accounted for seven per cent of the offences, with robbery, minor theft and obtaining property by deception ranking next highest.<sup>775</sup>
- 8.95 She said that:
- Two simple cannabis offence notices were issued during the period and 12 cautions were issued for the following offences: common assault, breach of the peace, minor theft, public mischief, fight in a public place and trespass.<sup>776</sup>
- 8.96 Overall, she told the Elected Body, in ‘all cases where a caution was issued, they were for a single offence only’. She was ‘satisfied, based on the statistic before me and the advice I have, that where we can we do caution’.<sup>777</sup>

## Responses to the Moss Report

- 8.97 In hearings, the Elected Body asked question regarding responses by ACT Policing to the Moss Report.<sup>778</sup>
- 8.98 The Moss Report is a 2016 report by an independent reviewer, Mr Philip Moss AM, into the treatment in custody of Mr Steven Freeman, who died on 27 May 2016 while detained at the Alexander Maconochie Centre (AMC).<sup>779</sup>
- 8.99 When asked if any recommendations from the Moss Report applied specifically to ACT Policing, the Deputy Chief Police Officer told the Elected Body that:
- Two specific recommendations out of Mr Moss’s report relate to ACT Policing—recommendation 2 and recommendation 3. Recommendation 9 also has relevance. I cannot remember the exact number, but I think there are 67 conclusions out of the report that fall under recommendation 9, a number of which we either have a lead on or we are involved with corrections and in some instances Health. A lot of those relate to information sharing and other processes in relation to critical incidents at the AMC and what role ACT Policing would take in relation to those working with corrections.<sup>780</sup>
- 8.100 He told the Elected Body that:

773 Assistant Commissioner Justine Saunders, *Proof Transcript*, 13 April 2017, p.136.

774 Assistant Commissioner Justine Saunders, *Proof Transcript*, 13 April 2017, p.136.

775 Assistant Commissioner Justine Saunders, *Proof Transcript*, 13 April 2017, p.136.

776 Assistant Commissioner Justine Saunders, *Proof Transcript*, 13 April 2017, p.136.

777 Assistant Commissioner Justine Saunders, *Proof Transcript*, 13 April 2017, p.136.

778 ATSIIEB, *Proof Transcript*, 13 April 2017, p.138.

779 See Philip Moss, (2016) *Inquiry into the Treatment in Custody of Detainee Steven Freeman*, viewed 15 September 2017, available at: [http://cdn.justice.act.gov.au/resources/uploads/JACS/Reviews/submissions/Treatment\\_in\\_Custody/Report\\_of\\_Independent\\_Inquiry.pdf](http://cdn.justice.act.gov.au/resources/uploads/JACS/Reviews/submissions/Treatment_in_Custody/Report_of_Independent_Inquiry.pdf) and see also Mr Shane Rattenbury MLA, ‘Independent report into Treatment in Custody released’, (media release), viewed 23 August 2017, available at: [www.cmd.act.gov.au/open\\_government/inform/act\\_government\\_media\\_releases/rattenbury/2016/independent-report-into-treatment-in-custody-released](http://www.cmd.act.gov.au/open_government/inform/act_government_media_releases/rattenbury/2016/independent-report-into-treatment-in-custody-released) and Alexandra Back, ‘Steven Freeman died two days after admission to prison methadone program’, *The Canberra Times*, 27 February 2017, viewed 23 August 2017, available at: [www.canberratimes.com.au/act-news/steven-freeman-died-two-days-after-admission-to-prison-methadone-program-20170226-gulhvu.html](http://www.canberratimes.com.au/act-news/steven-freeman-died-two-days-after-admission-to-prison-methadone-program-20170226-gulhvu.html)

780 Commander Mark Walters, *Proof Transcript*, 13 April 2017, p.138.



With some of the recommendations or the conclusions that Mr Moss made, ACT Policing had already worked with corrections very soon after the incidents themselves, particularly in relation to information sharing, to put revised processes in place to ensure that information was being shared. We were ahead of that, but obviously that was picked up as part of the recommendations.<sup>781</sup>

8.101 He also told the Elected Body that ACT Policing had been ‘working with corrections over the past two months’:<sup>782</sup>

We see our existing MOU with corrections being the appropriate protocol to ensure the implementation of the relevant recommendations to conclusion, so we are well down that path. The draft is nearing completion, and we are meeting again next week to have a look at that final draft. We are pretty confident that all of the recommendations and the conclusions from the report can be addressed in that MOU. There are probably a few other things we might have to pick out outside of that, but most of it relates to our operational engagement with corrections and how that works on the ground, if you like.<sup>783</sup>

### **The degree to which the AMC complied with human rights standards**

8.102 In hearings, the Elected Body asked the President of the Human Rights Commission about the degree to which the AMC complied with human rights standards.<sup>784</sup>

8.103 In responding, the President told the Elected Body that ‘certainly’ the AMC was a public authority and as such must comply with the *Human Rights Act 2004* (ACT). She noted that the *Corrections Management Act 2007* (ACT) also similarly had specific provisions requiring the AMC to operate by human rights principles.<sup>785</sup>

8.104 She told the Elected Body that the ACT Human Rights Commission had conducted two audits in this regard. One was of one of the predecessor of the AMC, the Belconnen Remand Centre, in 2007. In 2014 the Commission had conducted an audit of the women’s area of the AMC ‘because we did not have the resources to look at the huge number of men in the AMC’.<sup>786</sup>

8.105 She said that in 2007 the commission had recommended ‘that there be an inspectorate of prisons’, and this was repeated in representations a Legislative Assembly committee inquiry into rehabilitation at the AMC.<sup>787</sup> The commission had also made a submission to the Moss inquiry which stated that it was ‘ten years since we made that recommendation’ and that it was ‘really urgent that a preventative monitoring system be established’.<sup>788</sup>

8.106 The President told the Elected Body that ‘certainly’ the Commission had ‘found problems’ with human rights compliance at the AMC. However, there had been improvements to accommodation; the Public Advocate and the Human Rights Commissioner both have roles under the *Corrections Management Act* that constituted ‘a right to visit’; and the Public Advocate held a regular clinic there.<sup>789</sup>

781 Commander Mark Walters, *Proof Transcript*, 13 April 2017, p.138.

782 Commander Mark Walters, *Proof Transcript*, 13 April 2017, p.138.

783 Commander Mark Walters, *Proof Transcript*, 13 April 2017, p.138.

784 ATSIEB, *Proof Transcript*, 13 April 2017, pp.141–142.

785 Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.141.

786 Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.141.

787 Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.141, and see Standing Committee on Justice and Community Safety, *Inquiry into the Auditor-General’s report on rehabilitation of male detainees at the Alexander Maconochie Centre*, viewed 23 August 2017, available from: [www.parliament.act.gov.au/in-committees/previous-assemblies/standing-committees-eighth-assembly/Justice-and-Community-Safety/07.-inquiry-into-the-auditor-general-s-report-on-rehabilitation-of-male-detainees-at-the-alexander-maconochie-centre?inquiry=824938](http://www.parliament.act.gov.au/in-committees/previous-assemblies/standing-committees-eighth-assembly/Justice-and-Community-Safety/07.-inquiry-into-the-auditor-general-s-report-on-rehabilitation-of-male-detainees-at-the-alexander-maconochie-centre?inquiry=824938)

788 Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.141.

789 Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.141.



- 8.107 In addition, the commission held 'a shadow oversight meeting before the quarterly one that is convened by corrections at the AMC'. The 'whole of the HRC area — the complaints area, Public Advocate, human rights, the Ombudsman, Official Visitor' — attended those meetings and also Prisoners Aid and Winnunga.<sup>790</sup>
- 8.108 She also told the Elected Body that the 'kinds of things that [needed] looking at were 'the use of force, a searches register and whether services are culturally appropriate, in particular health, education, employment and rehabilitation'. In addition, in the commission's audit of conditions for women detainees at the AMC, there had been areas found wanting, and she thought it reasonable to 'surmise that it would be wanting in the men's area as well'. She stated that the commission had 'never been resourced to do this work', but would be 'keen to do it'.<sup>791</sup>
- 8.109 Moreover, she told the Elected Body, the commission would be 'ideally placed to have the inspectorate role' over the AMC. This function could readily be added to existing functions of the commission, but would require three additional staff in order to 'cover the AMC, Bimberi, forensic mental health and adult mental health'. She stated that with the federal government ratifying the Optional Protocol to the Convention against Torture (OPCAT),<sup>792</sup> this responsibility, if given to the commission, would extend to 'respite care for children and disability homes', and three additional staff would 'cover the whole gamut of places of detention in the ACT'.<sup>793</sup>
- 8.110 Regarding this, she went on to say that:
- We have spoken to the minister about this; we did a briefing for him. We had a seminar at the HRC about the role of the WA inspector and we had a meeting privately with the minister after that. So we have been very active in the area. We did the Quamby audit back in 2005 and then Bimberi in 2012. We have been active for ten years in the area, and we think we have the expertise to consider whether they are compliant with the Human Rights Act. That is something of which you just have snapshots. To have it ongoing would be much more effective.<sup>794</sup>
- 8.111 She told the Elected Body that there was no 'full-time' oversight body for the AMC at present. The Ombudsman, the Official Visitor, the Public Advocate and the Human Rights Commission currently performed that role on a 'part-time' basis, and the death in custody had 'highlighted that there [was] a gap in oversight that [needed] to be fixed'.<sup>795</sup>

## Elected Body comment

### Summary

#### Written responses

- 8.112 Written responses by JACS to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.
- 8.113 These included:

<sup>790</sup> Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.141.

<sup>791</sup> Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.141.

<sup>792</sup> See Australian Human Rights Commission, 'OPCAT: Optional Protocol to the Convention against Torture', viewed 23 August 2017, available at: [www.humanrights.gov.au/our-work/rights-and-freedoms/projects/opcat-optional-protocol-convention-against-torture](http://www.humanrights.gov.au/our-work/rights-and-freedoms/projects/opcat-optional-protocol-convention-against-torture)

<sup>793</sup> Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.142.

<sup>794</sup> Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.142.

<sup>795</sup> Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.142.



- involvement in the *Aboriginal and Torres Strait Islander Justice Partnership 2015–18*<sup>796</sup>
- signing of agreements with the Women's Legal Centre,<sup>797</sup> and the Aboriginal Legal Service,<sup>798</sup> to provide legal support to Aboriginal and Torres Strait Islander people in the criminal justice system
- support for the Galambany Court<sup>799</sup>
- extension of the ACT Restorative Justice Scheme to Aboriginal and Torres Strait Islander victims and offenders<sup>800</sup>
- development of the Crimes Legislation Amendment Bill (Aboriginal Interview Friends)<sup>801</sup>
- trialling of a Bail Support Service for 'Aboriginal and Torres Strait Islander people and other vulnerable people'<sup>802</sup>
- trialling of 'specialised reports prepared for sentencing courts for Aboriginal and Torres Strait Islander offenders'<sup>803</sup>
- increased 'support for the Extended Throughcare program in the Alexander Maconochie Centre (AMC) and the community'<sup>804</sup>
- extension of programs at the AMC intended 'specifically for Aboriginal and Torres Strait Islander detainees'<sup>805</sup>
- provision by ACT Policing of an Aboriginal Liaison Officer<sup>806</sup>
- development and launch, in conjunction with the Elected Body, of the second Aboriginal and Torres Strait Islander Justice Partnership (agreement) in July 2015, with the objective of reducing an over-representation of Aboriginal and Torres Strait Islander people in the ACT Criminal Justice System<sup>807</sup>
- development of a Justice Reinvestment trial which would 'focus on providing support to Aboriginal and Torres Strait Islander families involved in the criminal justice system', amounting to 'approximately ten families'<sup>808</sup>
- exploration of ways 'to increase Aboriginal and Torres Strait Islander representation' through the 'implementation of the JACS Aboriginal and Torres Strait Islander Employment Action Plan 2016–2019 and JACS third RAP'<sup>809</sup>
- encouragement for career development by Aboriginal and Torres Strait Islander employees<sup>810</sup>
- provision of the Culture and Land Management Program to eligible Indigenous detainees in the AMC<sup>811</sup>

796 JACS, Response to ATSIEB generic questions, April 2017, p.1.

797 JACS, Response to ATSIEB generic questions, April 2017, p.2.

798 JACS, Response to ATSIEB generic questions, April 2017, p.3.

799 JACS, Response to ATSIEB generic questions, April 2017, p.3.

800 JACS, Response to ATSIEB generic questions, April 2017, p.4.

801 JACS, Response to ATSIEB generic questions, April 2017, p.4.

802 JACS, Response to ATSIEB generic questions, April 2017, p.5.

803 JACS, Response to ATSIEB generic questions, April 2017, p5.

804 JACS, Response to ATSIEB generic questions, April 2017, p.5.

805 JACS, Response to ATSIEB generic questions, April 2017, p.5.

806 JACS, Response to ATSIEB generic questions, April 2017, p.8.

807 JACS, Response to ATSIEB generic questions, April 2017, p.8.

808 JACS, Response to ATSIEB generic questions, April 2017, pp. 9–10.

809 JACS, Response to ATSIEB generic questions, April 2017, pp.14–15.

810 JACS, Response to ATSIEB generic questions, April 2017, pp.15–16.

811 JACS, Response to ATSIEB generic questions, April 2017, p.16.



- provision of counselling for Aboriginal and Torres Strait Islander detainees at the AMC by Dhunlung Yarra Service, a 'dedicated Aboriginal and Torres Strait Islander therapeutic service staffed by Aboriginal professionals within Relationships Australia Canberra'<sup>812</sup>
- creation, with Winnunga, to create 'a community-based reporting hub for Aboriginal and Torres Strait Islander adult offenders on Community Based Orders'<sup>813</sup>
- expenditure, in 2015–16, of \$925,981 on 'Corrective Services Indigenous designated employees', who provided 'designated staff to assist Indigenous offenders'<sup>814</sup>
- the presence, within the directorate, of an Aboriginal and Torres Strait Islander Network,<sup>815</sup> and support for staff to participate in the Murranga Murranga network.<sup>816</sup>

## Responses in hearings

- 8.114 Matters which were considered in some detail in hearings included the following.
- 8.115 In relation to the 'Yarrabi Bamirr' trial and other aspects of justice reinvestment,<sup>817</sup> the Elected Body and representatives of the directorate discussed, among other things: the length of time taken consultation on the trial;<sup>818</sup> its form as an intensive 'case management' intervention, focused on families at risk of contact with the criminal justice system;<sup>819</sup> and the relevance of the Restorative Justice Indigenous Guidance Partner Program,<sup>820</sup> and culturally-sensitive pre-sentence reports.<sup>821</sup>
- 8.116 In relation to new programs in relation to family violence,<sup>822</sup> the Elected Body and representatives of the directorate discussed, among other things, the ACT Government's 'Safer Families' package, intended to change 'the way we work in government, to provide a more integrated, joined-up response to families dealing with domestic and family violence',<sup>823</sup> and a resulting 'commitment to co-design a family safety hub'.<sup>824</sup> This was intended to be 'something that enables the services to connect more easily and brings a holistic package of support to people wherever they enter the system', based on the 'principle that there should not be any wrong front door', so that 'wherever you seek help you should be able to get holistic help'.<sup>825</sup>
- 8.117 In relation to whether the ACT should have an office of inspector of custodial services,<sup>826</sup> the Elected Body and representatives of the directorate discussed, among other things: that this was one of the recommendations of the Moss Report;<sup>827</sup> and that the Minister for Corrections had 'made a commitment to introducing an inspectorate by the end of this year'.<sup>828</sup>

812 JACS, Response to ATSIEB generic questions, April 2017, p.16.

813 JACS, Response to ATSIEB generic questions, April 2017, p.16.

814 JACS, Response to ATSIEB generic questions, April 2017, p.23.

815 JACS, Response to ATSIEB generic questions, April 2017, p.25.

816 JACS, Response to ATSIEB generic questions, April 2017, p.25.

817 ATSIEB, *Proof Transcript*, 13 April 2017, pp.112–114.

818 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.113.

819 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.113.

820 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.112.

821 Ms Julie Field, *Proof Transcript*, 13 April 2017, p.113.

822 ATSIEB, *Proof Transcript*, 13 April 2017, pp.114–116 and see also pp.128–129.

823 Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.114.

824 Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.114.

825 Ms Jo Wood, *Proof Transcript*, 13 April 2017, p.116.

826 ATSIEB, *Proof Transcript*, 13 April 2017, pp.125–126.

827 See Philip Moss, (2016) *Inquiry into the Treatment in Custody of Detainee Steven Freeman*, viewed 15 September 2017, available at: [http://cdn.justice.act.gov.au/resources/uploads/JACS/Reviews/submissions/Treatment\\_in\\_Custody/Report\\_of\\_Independent\\_Inquiry.pdf](http://cdn.justice.act.gov.au/resources/uploads/JACS/Reviews/submissions/Treatment_in_Custody/Report_of_Independent_Inquiry.pdf)

828 Mr David Pryce, *Proof Transcript*, 13 April 2017, p.126.



- 8.118 In relation to a question as to how many formal pathway referrals assisting Aboriginal and Torres Strait Islander victims of crime had been developed and implemented since the inception of the *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18*,<sup>829</sup> the Elected Body and representatives of the directorate discussed, among other things, that there was a lack of full statistical information on referrals ‘to other agencies’.<sup>830</sup>
- 8.119 In relation to a decrease in cautions for Aboriginal and Torres Strait Islander people, despite undertakings under the justice partnership to increase the use of cautions,<sup>831</sup> the Elected Body and representatives of the directorate discussed, among other things, difficulties in issuing cautions when a high proportion of
- 8.120 In relation to responses to the Moss Report,<sup>832</sup> the Elected Body and representatives of the directorate discussed the implications of the Moss Report for the work of ACT Policing and in particular recommendations from the Report to be implemented by ACT Policing.<sup>833</sup>
- 8.121 In relation to the degree to which the AMC complied with human rights standards,<sup>834</sup> the Elected Body and representatives of the directorate discussed, among other things that:
- the Human Rights Commission had ‘found problems’ with human rights compliance at the AMC<sup>835</sup>
  - the ‘kinds of things that [needed] looking at were ‘the use of force, a searches register and whether services are culturally appropriate, in particular health, education, employment and rehabilitation’<sup>836</sup>
  - accommodation at the AMC had improved<sup>837</sup>
  - there was no ‘full-time’ oversight body for the AMC at present<sup>838</sup>
  - the commission and some other agencies had developed informal measures as a work-around in response to this situation
  - the commission was ‘ideally placed’ to take an ‘inspectorate role’ over the AMC.<sup>839</sup>

829 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.134–135.

830 Assistant Commissioner Justine Saunders, *Proof Transcript*, 13 April 2017, p.134.

831 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.135–137.

832 ATSIIEB, *Proof Transcript*, 13 April 2017, p.138.

833 Commander Mark Walters, *Proof Transcript*, 13 April 2017, p.138.

834 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.141–142.

835 Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.141.

836 Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.141.

837 Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.141.

838 Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.142.

839 Dr Helen Watchirs, *Proof Transcript*, 13 April 2017, p.142.



## Elected Body views and recommendations

- 8.122 The Elected Body notes the importance of the work done by the Justice and Community Safety Directorate for the safety and wellbeing of the Aboriginal and Torres Strait Islander community in the ACT. This is particularly so in light of the fact that in the ACT, as in other Australian jurisdictions, Aboriginal and Torres Strait Islander people are over-represented in the criminal justice system.
- 8.123 Clearly, what is of greatest immediate concern to the Elected Body are deaths in custody. The Elected Body will be monitoring this closely, including implementation of recommendations of the Moss Report, to ensure that actions match words. The deep and widespread ramifications of deaths in custody for the ACT Aboriginal and Torres Strait Islander community are too profound for the Elected Body to take any other approach.
- 8.124 The Elected Body must express its concern, sadness and frustration that we as a society are continuing to re-prosecute matters considered in great detail by the 1987 Royal Commission into Aboriginal deaths in custody.<sup>840</sup>
- 8.125 While the Elected Body does not propose to make any specific recommendations in relation to deaths in custody as such, it wishes to highlight the importance of current measures in train to reduce the exposure of Aboriginal and Torres Strait Islander people to the criminal justice system. The Galambany Court, Justice Reinvestment, non-custodial orders, pre-sentencing reports, guidance partners are all important initiatives in this regard. It is critically important that these measures continue to be developed, supported, evaluated, and re-calibrated as necessary, in order to reduce harms.
- 8.126 In the view of the Elected Body, there is one area which could have received greater attention in the submissions of the directorate in this year's inquiry, and that is problems with drug and alcohol misuse. As noted in an earlier chapter, drugs and alcohol are a known 'driver' for family violence.<sup>841</sup> What has been less obvious in this year's hearings is an acknowledgement of the known correlation between drug and alcohol misuse and exposure to the criminal justice system, both for the Aboriginal and Torres Strait Islander community and indeed the wider Australian population.
- 8.127 This, in the view of the Elected Body, is a 'pressure point' which, to the extent that treatment options were effective, could have a palpable effect on the exposure of Aboriginal and Torres Strait Islander people to the criminal justice system, as well as reducing domestic family violence and providing a better base upon which our young people engage with education and employment opportunities.
- 8.128 It is difficult for the Elected Body to consider such matters without acknowledging problems reported regarding the full implementation of the Ngunnawal Bush Healing Farm project.<sup>842</sup>
- 8.129 The Elected Body wishes to note that the Ngunnawal Bush Healing Farm has been under long discussion as the primary proposal for a culturally-appropriate rehabilitation facility for Aboriginal and Torres Strait Islander people in the ACT 'for over a decade'.<sup>843</sup> A further account of history and development

840 Royal Commission into Aboriginal Deaths in Custody (1987), (in 5 volumes), viewed 15 September 2017, available from: [www.austlii.edu.au/au/other/IndigLRes/rciadic/](http://www.austlii.edu.au/au/other/IndigLRes/rciadic/)

841 See Dr Mark Collis, *Proof Transcript*, 12 April 2017, p.53 and Mr Michael De'Ath, *Proof Transcript*, 12 April 2017, p.61.

842 See: Katie Burgess, 'Canberra's Ngunnawal bush healing farm just a 'camp site' after confusion over land use: Winnunga CEO', *The Canberra Times*, 10 May 2017, viewed 15 September 2017, available at: [www.canberratimes.com.au/act-news/canberras-ngunnawal-bush-healing-farm-just-a-camp-site-after-confusion-over-land-use-winnunga-ceo-20170509-gw0qof.html](http://www.canberratimes.com.au/act-news/canberras-ngunnawal-bush-healing-farm-just-a-camp-site-after-confusion-over-land-use-winnunga-ceo-20170509-gw0qof.html); Katie Burgess, 'Winnunga 'walking away' from Ngunnawal Bush Healing Farm', *The Canberra Times*, 25 May 2017, viewed 15 September 2017, available at: [www.canberratimes.com.au/act-news/winnunga-walking-away-from-ngunnawal-bush-healing-farm-20170517-gw7g8x.html](http://www.canberratimes.com.au/act-news/winnunga-walking-away-from-ngunnawal-bush-healing-farm-20170517-gw7g8x.html); Katie Burgess, 'Health minister signals 'phased opening' of bush healing farm', *The Canberra Times*, 7 June 2017, viewed 15 September 2017, available at: [www.canberratimes.com.au/act-news/health-minister-signals-phased-opening-of-bush-healing-farm-20170524-gwcm1j.html](http://www.canberratimes.com.au/act-news/health-minister-signals-phased-opening-of-bush-healing-farm-20170524-gwcm1j.html); Daniel Burdon, 'Ngunnawal bush healing farm clients to take the bus, after residential proposal abandoned', *The Canberra Times*, 4 September 2017, viewed 15 September 2017, available at: [www.canberratimes.com.au/act-news/ngunnawal-bush-healing-farm-clients-to-take-the-bus-after-residential-proposal-abandoned-20170904-gyaddy.html](http://www.canberratimes.com.au/act-news/ngunnawal-bush-healing-farm-clients-to-take-the-bus-after-residential-proposal-abandoned-20170904-gyaddy.html)

843 Alcohol Tobacco and Other Drug Association ACT, 'Ngunnawal Bush Healing Farm (NBHF)', viewed 15 September 2017, available at: [www.atoda.org.au/policy/ngunnawal-bush-healing-farm-nbhf/](http://www.atoda.org.au/policy/ngunnawal-bush-healing-farm-nbhf/)

of the Bush Healing Farm was provided in the 2015 report of the Assembly's Standing Committee on Justice and Community Safety on its 'Inquiry into Sentencing', together with a recommendation for the construction and commission of the Healing Farm by the end of 2017.<sup>844</sup>

- 8.130 In view of the above, the Elected Body wishes to underscore the importance of the Bush Healing Farm as the primary treatment facility for Aboriginal and Torres Strait Islander people with drug and alcohol problems in the ACT, and makes the following recommendation.

## RECOMMENDATION 10

- 8.131 **The Elected Body recommends that the ACT Government implement the Ngunnawal Bush Healing Farm proposal so that it includes facilities for culturally-appropriate, residential, drug and alcohol treatment for Aboriginal and Torres Strait Islander clients, by the end of the 2018 calendar year.**
- 8.132 The other effect of recent deaths in custody in the ACT is to focus attention, again, on the full suite of programs and services put in place by the ACT Government for Aboriginal and Torres Strait Islander people in the ACT, and monitored under the whole-of-government agreement. As noted in previous chapters, it is vital that the agreement be honoured, monitored, and implemented in a cohesive fashion. If it is, we have grounds for optimism that there can be some changes to persistent problems we see with the exposure of Aboriginal and Torres Strait Islander people to the justice system.
- 8.133 As recent events show, this really is a life-and-death matter. With this in mind, the Elected Body directs readers' attention to its recommendation, above, regarding support for the Outcomes Reporting Framework.

844 Standing Committee on Justice and Community Safety, (2015) 'Inquiry into Sentencing', pp.380–383, viewed 15 September 2017, available at: [www.parliament.act.gov.au/\\_\\_data/assets/pdf\\_file/0019/707212/JACS-Ctee-report-for-Inquiry-into-Sentencing-FINAL.pdf](http://www.parliament.act.gov.au/__data/assets/pdf_file/0019/707212/JACS-Ctee-report-for-Inquiry-into-Sentencing-FINAL.pdf)

## 9 TRANSPORT CANBERRA AND CITY SERVICES



### Introduction

- 9.1 Witnesses from Transport Canberra and City Services (TCCS) appeared before the Elected Body in hearings of 13 April 2017.
- 9.2 As for other agencies, TCCS was asked to respond to generic questions provided by the Elected Body to ACT Government directorates. These are considered below, followed by an account of public hearings in which the directorate appeared before the Elected Body.

### Responses to generic questions

#### 1 Equitable access and increased impact

- 9.3 In relation to the first generic question, TCCS in its written response stated that:

TCCS has committed to increasing and improving outcomes for Aboriginal and Torres Strait Islander people in the ACT through a range of programs and activities.

In September 2016, TCCS launched its first Reconciliation Action Plan (RAP) that includes a comprehensive range of strategies aimed at building respect and creating opportunities for Aboriginal and Torres Strait Islander people. The strategies outlined in the RAP focus on building awareness and understanding of Aboriginal and Torres Strait Islander peoples and cultures, providing opportunities to build relationships between Aboriginal and Torres Strait Islander people and non-Indigenous people and creating opportunities to improve the recruitment, retention and career development of Aboriginal and Torres Strait Islander people.

The Aboriginal and Torres Strait Islander Community Bus Program continues to provide demand responsive transport to vulnerable members of the Indigenous community who lack access to regular transport. The community bus driver and trainee bus driver have significant links to the local community and have developed solid networks that allow them to identify areas of need and link those people with crucial services that allow them to play a meaningful part in community life.

As at September 2015 the bus averaged between 60 and 80 passenger trips per week. The service now provides an average of 100 trips per week. Libraries ACT has established a new identified position for an Aboriginal and Torres Strait Islander Learning Coordinator. This position aims to work collaboratively with community stakeholders and library staff to develop and enrich library services to meet the needs of the Indigenous community.

In purchasing for the library's collection, standing orders and profiles have been reviewed to ensure they include material created by and about Aboriginal and Torres Strait Islander peoples. This means titles are provided to the library as they are published, and includes material from Aboriginal Studies Press (the publishing arm of AIATSIS), Magabala Books (a leading Indigenous publisher) and IAD Press (the publishing arm of the Institute for Aboriginal Development, a not-for-profit Aboriginal community controlled organisation). Titles from Aboriginal Studies Press are also included in the Borrow Box collection of eBooks available for loan.



City Services have committed to two Indigenous Trainees in 2017. These positions will be within the City Presentation and Roads ACT areas.<sup>845</sup>

## **2 Implement ACT Aboriginal and Torres Strait Islander Agreement**

9.4 In relation to the second generic question, TCCS in its written response stated that:

In support of the Aboriginal and Torres Strait Islander Agreement (the agreement), TCCS has recently launched its first RAP. The TCCS vision of building connected services for the people of Canberra is represented in the RAP through the beautiful artwork of Lynnice Keen titled Mura Yerrabi meaning 'walk the pathway to the camp'.

The RAP includes a range of practical actions that are tailored to the business of TCCS including:

- all senior officers and executives are required to attend Aboriginal and Torres Strait Islander Cultural Awareness Training
- the provision of Aboriginal and Torres Strait Islander Cultural Awareness Training for all staff through the TCCS training calendar
- exploring the opportunity to use presentation flowerbeds to celebrate and acknowledge Aboriginal and Torres Strait Islander dates of significance
- an ACTION bus to be wrapped with the Indigenous artwork of Lynnice Keen
- investigating co-signage of local areas in Ngunnawal and English
- exploring with Chief Minister, Treasury and Economic Development directorate the opportunity to have NAIDOC flags flying throughout Canberra during NAIDOC Week.

The RAP is available on the TCCS website [www.tccs.act.gov.au](http://www.tccs.act.gov.au)

A link to the Aboriginal and Torres Strait Islander Agreement is provided on the TCCS intranet and copies of the agreement and the RAP have been provided to all TCCS executives.

The Flexible Transport team has been provided with copies of the agreement and discussed the significance of the agreement in the delivery of transport services to the Indigenous community. The inclusion of the Aboriginal and Torres Strait Islander Community Bus Program within the Flexible Transport Office, has allowed the broader team to develop an understanding and empathy for the issues faced by isolated and vulnerable members of the local Indigenous community.<sup>846</sup>

## **3 Aboriginal and Torres Strait Islander organisations and community**

9.5 In relation to the third generic question, TCCS in its written response stated that:

Through the Aboriginal and Torres Strait Islander Community Bus program TCCS has developed valuable working relationships with community and Government organisations which assist Aboriginal and Torres Strait Islander people locally. These include Winnunga, Gugan Gulwan, Burrunjju Office, men's groups, nannies' groups, Solid Young Fellas and Sistas Group at Belconnen, and West Belconnen Child and Family Centre groups.

The community bus driver continues to be a board member on the National Aboriginal and Torres Strait Islander Corporation community transport committee working to standardise the delivery of community transport across Australia.

<sup>845</sup> Transport Canberra and City Services Directorate (TCCS), Response to ATSIEB generic questions, April 2017, p.1.

<sup>846</sup> TCCS, Response to ATSIEB generic questions, April 2017, p.2.



ACTION and Libraries ACT participated for the second year in the Tracks to Reconciliation events coordinated by the West Belconnen and Gungahlin Child and Family Centres. These events brought together the Child and Family Centres, Libraries ACT, Communities@Work, Koori Preschool, Kippax Uniting Care, Kingsford Smith School, Strathnairn Arts and Belconnen Community Service. Families participated in a number of different activities throughout the day including music, storytelling and a trivia quiz designed and delivered by the trainee community bus driver from the Community Bus Program.

Libraries ACT is currently hosting visits from Child and Family Centres and Koori Preschool groups, at a time that suits them, to visit their local library and enjoy stories and songs and join the library.

NAIDOC Week celebrations continue to be promoted to all employees. Libraries ACT participated in NAIDOC by the Lake celebrations with a stall providing information on library services and a display of Indigenous books.

In addition, the RAP outlines a number of actions aimed at building respectful relationships with Aboriginal and Torres Strait Islander communities and organisations including regular meetings with the Aboriginal and Torres Strait Islander Elected Body representative and exploring opportunities to engage the United Ngunnawal Elders Council in the implementation of the RAP.<sup>847</sup>

#### **4 Increased knowledge of the agreement amongst staff**

9.6 TCCS did not respond to the fourth generic question.

#### **5 Aboriginal and Torres Strait Islander staff profile**

9.7 In relation to the fifth generic question, TCCS in its written response stated that current numbers of Aboriginal and Torres Strait Islander employees were as follows:

During 2016, a total of ten (10) Aboriginal and Torres Strait Islander employees from Parks and Conservation Service and the National Arboretum transferred to other directorates.

However, as at January 2017, TCCS increased the number of Aboriginal and Torres Strait Islander employees to 35, representing 2.81 per cent of the total workforce. This is up from 26 at July 2016.<sup>848</sup>

9.8 In relation to identified positions, the response advised that:

As at January 2017, TCCS has identified eleven (11) positions to support our recruitment and retention of Aboriginal and Torres Strait Islander employees. Of the ten (10) Aboriginal and Torres Strait Islander employees who transferred to other directorates, two were employed in identified positions.<sup>849</sup>

9.9 In relation to gender, the response advised that the headcount for male Aboriginal and Torres Strait Islander employees was 28, and that this made up 80 per cent of Aboriginal and Torres Strait Islander employees, while the headcount for female Aboriginal and Torres Strait Islander employees was seven, and that this made up 20 per cent of Aboriginal and Torres Strait Islander employees.<sup>850</sup>

9.10 In relation to the classifications of Aboriginal and Torres Strait Islander employees, the response provided the following information.<sup>851</sup>

<sup>847</sup> TCCS, Response to ATSIEB generic questions, April 2017, p.3.

<sup>848</sup> TCCS, Response to ATSIEB generic questions, April 2017, p.4.

<sup>849</sup> TCCS, Response to ATSIEB generic questions, April 2017, p.4.

<sup>850</sup> TCCS, Response to ATSIEB generic questions, April 2017, p.4.

<sup>851</sup> TCCS, Response to ATSIEB generic questions, April 2017, p.5.



Classification	No. at January 2017
Admin Service Officer 1	1
Admin Service Officer 2	2
Admin Service Officer 4	1
Admin Service Officer 5	1
Apprentice	1
Apprentice Workshop	3
Bus Operator	7
General Service Officer 3/4	8
General Service Officer 4	1
General Service Officer 5	1
General Service Officer 5/6	4
General Service Officer 5/7	1
Senior Tech Officer C	1
Technical Officer 2	1
<b>Total</b>	<b>35</b>

In relation to 'professional development and retention opportunities in place', the response advised that:

TCCS is implementing employment strategies that incorporate a focus on developing and retaining Aboriginal and Torres Strait Islander employees including:

- funding a 'scholarship' opportunity for Aboriginal or Torres Strait Islander employees to build capability for progression to more senior roles (approximately \$5,000 per annum)
- allocating a place for existing Aboriginal and Torres Strait Islander employees to participate in the TCCS Manager Development Program
- promoting the ACTPS Aboriginal and Torres Strait Islander Staff Network (Murranga Murranga)
- Partnering with Curijo to provide career planning for an Aboriginal and Torres Strait Islander employee as part of the ongoing TCCS scholarship fund for Aboriginal or Torres Strait Islander employees.

Aboriginal and Torres Strait Islander employees also have access to training courses available on the TCCS Training Calendar and the ACTPS Training Calendar.<sup>852</sup>

9.11 The response went on to say that:

The RAP has built on these strategies to include:

- exploring the establishment of a TCCS Indigenous peer support group to support and mentor Indigenous staff
- investigating opportunities to develop partnerships with Indigenous service providers that have existing mentoring programs
- consulting with Aboriginal and Torres Strait Islander employees on TCCS employment strategies, including professional development.<sup>853</sup>

9.12 In relation to the question 'How are you increasing Aboriginal and Torres Strait Islander representation?', the response advised that:

852 TCCS, Response to ATSIEB generic questions, April 2017, p.5.

853 TCCS, Response to ATSIEB generic questions, April 2017, p.6.



The employment strategies incorporate actions aimed at increasing Aboriginal and Torres Strait Islander representation within TCCS including

- establishing identified positions for Aboriginal and Torres Strait Islander people
- recruiting three (3) Aboriginal and Torres Strait Islander trainees through the Whole-of-Government Indigenous Traineeship Program
- promoting a contact list of specialist Indigenous agencies to advertise recruitment for Aboriginal and Torres Strait Islander people
- including the statement: 'Aboriginal and Torres Strait Islander people are encouraged to apply' in all TCCS job advertisements
- recruitment of an Inclusion Officer to provide advice and support to business units on accessible recruitment and selection practices to target recruitment of Aboriginal and Torres Strait Islander people.<sup>854</sup>

## **6 Aboriginal and Torres Strait Islander leadership**

9.13 In relation to the sixth generic question, TCCS in its written response stated that:

The employment strategies outlined above aim to develop the capability of Aboriginal and Torres Strait Islander employees to progress to more senior roles.

TCCS is exploring opportunities with external service providers to assist the directorate with talent identification and the development of an Indigenous leadership program.<sup>855</sup>

## **7 Focused and effective services**

9.14 In relation to the seventh generic question, 'What evidence can you provide which would demonstrate that the services your directorate delivers for Aboriginal and Torres Strait Islander peoples in the ACT has been focused and effective', TCCS in its written response stated that:

TCCS acknowledges that increased engagement and recruitment of Aboriginal and Torres Strait Islander people improves the financial, emotional and physical wellbeing of the Aboriginal and Torres Strait Islander community as a whole—a vital component of 'closing the gap'. TCCS has progressively increased the number of Aboriginal and Torres Strait Islander employees from 19 (1.0 per cent of total workforce) in June 2011 to 35 in 2017 (2.81 per cent of total workforce) and is committed to building on existing employment strategies through the implementation of the RAP.

As stated above, the Aboriginal and Torres Strait Islander community bus program has increased the level of service to the local Indigenous community.

Libraries ACT has developed a collection framework for content in the library collections that is created by and about Aboriginal and Torres Strait Islander peoples. This has included working with an established list of recommended titles and identifying what material is already held by the library, so additional titles can be purchased (copies of a majority of titles are already held). This work has continued with the appointment of the library's Aboriginal and Torres Strait Islander Learning Coordinator.<sup>856</sup>

854 TCCS, Response to ATSIEB generic questions, April 2017, p.6.

855 TCCS, Response to ATSIEB generic questions, April 2017, p.6.

856 TCCS, Response to ATSIEB generic questions, April 2017, pp.6–7.



## 8 Focused and effective services

9.15 In relation to the eighth generic question, TCCS in its written response stated that:

The community bus program operates in line with the Aboriginal and Torres Strait Islander Community Bus Guidelines. Governance and accountability clauses in the guidelines provide opportunities for the buses to be used for community work outside regular business hours. This includes supporting elders to gatherings, families to funerals, sporting teams to games in and around Canberra and other significant events.<sup>857</sup>

## 9 Budget allocations to programs, services and clients

9.16 In relation to the ninth generic question, 'What percentage of your directorates' budget was allocated specifically to Aboriginal and Torres Strait Islander programs, services and clients? What evidence can you provide that this allocation was value for money and sufficient to meet the need? How much of that is utilised for administration?', TCCS in its written response stated that:

TCCS has several specific Aboriginal and Torres Strait Islander programs, including the Aboriginal and Torres Strait Islander Community Bus, and Aboriginal and Torres Strait Islander Cultural Awareness Training. In 2015 TCCS employed an Inclusion Officer to progress the development of the RAP and to identify barriers to employment for Aboriginal and Torres Strait Islander people at TCCS. Please note that the ACT Parks Murumbung Yurung Murra Ranger Program has been transferred to the Environment, Planning and Sustainable Directorate from 1 July 2016.<sup>858</sup>

9.17 The response provided details of budget allocations for the 2016–17 financial year as follows:

- '\$110,000 for a temporary position to act as an Inclusion Officer'<sup>859</sup>
- '\$15,810 for Aboriginal and Torres Strait Islander Cultural Awareness Training, 'to deliver six full-day training sessions for TCCS staff including new executives and senior officers'<sup>860</sup>
- '\$5,000 for a scholarship for an Aboriginal and Torres Strait Islander employee'<sup>861</sup>
- '\$209,724 for the Aboriginal and Torres Strait Islander Community Bus Program which, according to the response, 'includes a bus driver, trainee driver, fuel, vehicle lease, rent and part of the Flexible Transport Manager's time'.<sup>862</sup>

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

9.18 In relation to the tenth generic question, TCCS in its written response stated that:

The community bus driver traineeship includes arrangements with internal and external mentors to provide support and mentoring. Prior to the transfer of the Parks and Conservation Service to the Environment, Planning and Sustainable Directorate, members of the Murumbung Yurung Murra network offered peer support and mentoring to other Aboriginal and Torres Strait Islander employees across the directorate. TCCS will investigate opportunities to continue this collaboration with the Parks and Conservation Service going forward.

As mentioned above at Question 4(e) the RAP includes additional actions to improve access to peer support and mentoring for Aboriginal and Torres Strait Islander employees.<sup>863</sup>

857 TCCS, Response to ATSIEB generic questions, April 2017, p.7.

858 TCCS, Response to ATSIEB generic questions, April 2017, p.7.

859 TCCS, Response to ATSIEB generic questions, April 2017, p.7.

860 TCCS, Response to ATSIEB generic questions, April 2017, p.8.

861 TCCS, Response to ATSIEB generic questions, April 2017, p.8.

862 TCCS, Response to ATSIEB generic questions, April 2017, p.8.

863 TCCS, Response to ATSIEB generic questions, April 2017, p.8.



## **11 A specific Aboriginal and Torres Strait Islander Staff Network**

9.19 In relation to the eleventh generic question, TCCS in its written response stated that:

TCCS does not have a specific Aboriginal and Torres Strait Islander Staff Network. However, as mentioned previously, the RAP includes actions to establish mentoring and peer support networks for Aboriginal and Torres Strait Islander employees.

The Community Bus team participate in the ACTPS Aboriginal and Torres Strait Islander Staff Network (Murranga Murranga). The team also plays an active role in the TCCS RAP working group.<sup>864</sup>

## **12 Support for staff to participate in the Murranga Murranga Employee Network**

9.20 In relation to the twelfth generic question, TCCS in its written response stated that:

The Community Bus team is actively encouraged to participate in these networks as they are seen to provide valuable networking opportunities for the project as well as support and mentoring for employees.

The Community Bus team participate in the ACTPS Aboriginal and Torres Strait Islander Staff Network (Murranga Murranga). The ACTPS Aboriginal and Torres Strait Islander Employee Network is promoted on the TCCS intranet.<sup>865</sup>

## **13 Aboriginal and Torres Strait Islander Cultural Awareness Training**

9.21 In relation to the thirteenth generic question, 'As Aboriginal and Torres Strait Islander Cultural Awareness is mandatory for each Directorate, could you clarify for the ACT Aboriginal and Torres Strait Islander Elected Body on how many people have achieved this training in the last financial year, including if your Director-General and senior executives are included in this process and undertaken the training?', TCCS in its written response stated that:

TCCS place a high priority on this training. Our directorate views Aboriginal and Torres Strait Islander Cultural Awareness training as an important part of laying the foundation for a respectful workplace culture, supporting our broader commitment to reconciliation and promoting diversity and improving our diversity employment. In light of this, TCCS has made Aboriginal and Torres Strait Islander Cultural Awareness training compulsory for senior officers (SOG A, B and C) and executives, and strongly encouraged for all other employees.

In the 2015–16 financial year, 112 employees attended Aboriginal and Torres Strait Islander Cultural Awareness training. This includes 77 employees at the senior officer or executive level.<sup>866</sup>

9.22 The response went on to say that:

Of our current executives (at 16 September 2016):

- four attended Aboriginal and Torres Strait Islander Cultural Awareness training in the 2015–16 financial year.
- nine had attended the training prior to the 2015–16 financial year.
- eight have attended, or are booked to attend, training in 2016–17 (including our Director-General).
- six have not yet been booked into training, but will be booked into training sessions as soon as possible.<sup>867</sup>

<sup>864</sup> TCCS, Response to ATSIIEB generic questions, April 2017, p.9.

<sup>865</sup> TCCS, Response to ATSIIEB generic questions, April 2017, p.9.

<sup>866</sup> TCCS, Response to ATSIIEB generic questions, April 2017, p.9.

<sup>867</sup> Transport Canberra and City Services Directorate, Response to ATSIIEB generic questions, April 2017, p.10.



## 14 Cultural training for Director-General and senior executives

9.23 In relation to the fourteenth generic question, 'If your Director-General and senior executives haven't achieved this outcome, how will your Directorate go about ensuring that this is achieved, especially in line with the ACT Aboriginal and Torres Strait Islander Whole-of-Government Agreement, Directorate Reconciliation Action Plans or within the directorate Employment Action Plans?', TCCS in its written response stated that:

TCCS records and monitors attendance at Aboriginal and Torres Strait Islander Cultural Awareness Training for all employees, including executives and senior officers, and actively invites new employees to attend a session.<sup>868</sup>

## Hearings

9.24 TCCS appeared before the Elected Body in hearings of 13 April 2017.

## Matters considered

9.25 Matters considered during hearings included:

- new programs and services<sup>869</sup>
- economic participation in the light rail project for the Aboriginal and Torres Strait Islander community<sup>870\*</sup>
- the number of Aboriginal and Torres Strait Islander bus drivers, male and female<sup>871\*</sup>
- the Aboriginal and Torres Strait Islander transport program<sup>872</sup>
- the seniors card and qualifying age.<sup>873</sup>

## Key issues

### Economic participation in the light rail project

9.26 In hearings, the Elected Body asked questions regarding opportunities for economic participation in the light rail project by the Aboriginal and Torres Strait Islander community.<sup>874</sup>

9.27 In responding, the Deputy Director-General, Transport Canberra, told the Elected Body that:

The project itself is generating jobs, particularly in the construction fields, at present activity, but there are an estimated 3,500 jobs that will be supported in the broader community as a direct and indirect effect of light rail stage one when it is up and running.<sup>875</sup>

9.28 He told the Elected Body that 'a very big focus of the project was our local industry participation'.<sup>876</sup>

868 Transport Canberra and City Services Directorate, Response to ATSIAB generic questions, April 2017, p.10.

869 ATSIAB, *Proof Transcript*, 13 April 2017, pp.145–146.

870 ATSIAB, *Proof Transcript*, 13 April 2017, pp.146–148, 149–150. Starred items (\*\*\*) are dealt with in the section on 'Key issues' below.

871 ATSIAB, *Proof Transcript*, 13 April 2017, pp.150–152.

872 ATSIAB, *Proof Transcript*, 13 April 2017, pp.152–153.

873 ATSIAB, *Proof Transcript*, 13 April 2017, pp.152, 155.

874 ATSIAB, *Proof Transcript*, 13 April 2017, pp.146–148, 149–150.

875 Mr Duncan Edghill, *Proof Transcript*, 13 April 2017, p.147.

876 Mr Duncan Edghill, *Proof Transcript*, 13 April 2017, p.147.



The local industry participation can be thought of under two broad headings: one is around how we engage local companies in the delivery of the light rail system; the other component is what we can do to leverage the project to achieve some of the broader community outcomes that we are looking for in terms of meeting our Aboriginal participation requirements. Then there are other requirements around diversity and so forth.<sup>877</sup>

### **Numbers of Aboriginal and Torres Strait Islander bus drivers**

9.29 In hearings, the Elected Body asked questions regarding numbers of Aboriginal and Torres Strait Islander bus drivers, male and female, employed by TCCS.<sup>878</sup>

9.30 In responding, the Director, Public Transport Operations, told the Elected Body that:

Within the buses we have the four identified positions. We do have other drivers or other employees who have already been working for us who are of Aboriginal and Torres Strait Islander background. We have nine positions all up. I am unaware of any of those being female.<sup>879</sup>

9.31 The Director went on to say that in its 2017 recruitment process, which had now closed, TCCS had received 'about 360 applications', eight of which were from 'identified people', who would be 'taken and assessed in isolation', and 35 of which were from women.<sup>880</sup>

## **Elected Body comment**

### **Summary**

#### **Written responses**

9.32 Written responses by TCCS to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.

9.33 These included:

- provision of the Aboriginal and Torres Strait Islander Community Bus Program<sup>881</sup>
- in relation to ACT Library's collections, review of purchasing, standing orders and profiles 'to ensure they include material created by and about Aboriginal and Torres Strait Islander peoples'<sup>882</sup>
- development, through the Aboriginal and Torres Strait Islander Community Bus program, of 'valuable working relationships with community and Government organisations which assist Aboriginal and Torres Strait Islander people locally'<sup>883</sup>
- efforts to attract, retain, and support additional Aboriginal and Torres Strait Islander staff<sup>884</sup>
- that the directorate had 'made Aboriginal and Torres Strait Islander Cultural Awareness training compulsory for senior officers (SOG A, B and C) and executives', and that this was 'strongly encouraged for all other employees'.<sup>885</sup>

877 Mr Duncan Edghill, *Proof Transcript*, 13 April 2017, p.147.

878 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.150-152.

879 Mr Ian McGlenn, *Proof Transcript*, 13 April 2017, p.150.

880 Mr Ian McGlenn, *Proof Transcript*, 13 April 2017, p.150.

881 TCCS, Response to ATSIIEB generic questions, April 2017, pp.1, 3.

882 TCCS, Response to ATSIIEB generic questions, April 2017, p.1.

883 TCCS, Response to ATSIIEB generic questions, April 2017, p.3.

884 TCCS, Response to ATSIIEB generic questions, April 2017, p.6.

885 TCCS, Response to ATSIIEB generic questions, April 2017, p.9.

## Responses in hearings

- 9.34 Matters which were considered in some detail in hearings included the following.
- In relation to economic participation in the light rail project for the Aboriginal and Torres Strait Islander community,<sup>886</sup> the Elected Body and representatives of the directorate discussed, among other things, jobs created by the project, and the application of requirements in regard to 'Aboriginal participation' and diversity.<sup>887</sup>
  - In relation to the number of Aboriginal and Torres Strait Islander bus drivers, male and female,<sup>888</sup> the Elected Body and representatives of the directorate discussed, among other things, the absence of female Aboriginal or Torres Strait Islander bus drivers,<sup>889</sup> and applications for the directorate's 2017 recruitment process.<sup>890</sup>

## Elected Body views and recommendations

- 9.35 The Elected Body notes the importance of the work done by TCCS for the safety and wellbeing of the Aboriginal and Torres Strait Islander community in the ACT.
- 9.36 The Elected Body notes the strong reliance by the directorate on the Aboriginal and Torres Strait Islander Community Bus Program in its responses to the Elected Body's generic questions.
- 9.37 In relation to this program, the Elected Body takes a similar view to that it adopted above in relation to the position of Aboriginal Natural Resource Manager. As the Elected Body noted in that case, too often successful small programs for Aboriginal and Torres Strait Islander people in Australian jurisdictions are claimed as credit by government, but are left unprotected from the vagaries of changes of funding, changes of staff, or changes of organisational context.
- 9.38 In this case, the Elected Body takes the view that the Aboriginal and Torres Strait Islander Community Bus Program, while of small scale, does make a palpable difference to the life experience of Aboriginal and Torres Strait Islander people in the ACT, particularly for our older people.
- 9.39 The Elected Body would like to see the ACT Government ensure that the program is given a stability that will see it continue to provide support to the Aboriginal and Torres Strait Islander community into the future.
- 9.40 In light of this the Elected Body makes the following recommendation.

## RECOMMENDATION 11

- 9.41 **The Elected Body recommends that the ACT Government ensure that funding and organisation arrangements for the Aboriginal and Torres Strait Islander Community Bus Program are put in place to ensure the continuance and longevity of the program.**

886 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.146–148, 149–150.

887 Mr Duncan Edghill, *Proof Transcript*, 13 April 2017, p.147.

888 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.150–152.

889 Mr Ian McGlenn, *Proof Transcript*, 13 April 2017, p.150.

890 Mr Ian McGlenn, *Proof Transcript*, 13 April 2017, p.150.

# 10 HEALTH DIRECTORATE



## Introduction

- 10.1 Witnesses from the Health Directorate appeared before the Elected Body in hearings of 13 April 2017.
- 10.2 As for other agencies, the directorate was asked to respond to generic questions provided by the Elected Body to ACT Government Directorates. These are considered below, followed by an account of public hearings in which the directorate appeared before the Elected Body.

## Responses to generic questions

### 1 Equitable access and increased impact

- 10.3 In relation to the first generic question, the directorate in its written response stated that it was 'well documented'<sup>891</sup> that:
- Aboriginal and Torres Strait Islander peoples are likely to prefer and have more trust in health services that acknowledge and are respectful of cultural factors; are physically accessible and affordable; and are partners with local Aboriginal and Torres Strait Islander communities.<sup>892</sup>
- 10.4 The response stated that the directorate's work responded to the question in a number of ways, which are considered below.
- 10.5 First, the response stated that 'ACT Health works to ensure equitable access and improved impact on health outcomes for Aboriginal and Torres Strait Islander peoples in the ACT' by creating 'a framework for organisational culture that enables Aboriginal and Torres Strait Islander peoples to access healthcare services in a culturally-sensitive manner'.<sup>893</sup>
- 10.6 Second, the directorate supported community-controlled organisations 'as partners in service delivery', in the context of which ACT Health holds 'service funding agreements with Winnunga Nimmityjah Aboriginal Health Service and Gugan Gulwan Youth Aboriginal Corporation'. This was an approach which acknowledged and supported 'best practice, whereby barriers to accessing services are reduced by supporting the community controlled sector to provide health services for Aboriginal and Torres Strait Islander peoples in a culturally-appropriate setting'.<sup>894</sup>
- 10.7 Third, the directorate maintained a hospital-based Aboriginal and Torres Strait Islander Liaison Service which supported 'Aboriginal and Torres Strait Islander patients and their families' to:
- 'arrange family meetings with doctors and other health staff'<sup>895</sup>
  - improve communication between hospital staff and patients/family members/carers<sup>896</sup>

891 ACT Health Directorate (ACT Health), Response to ATSIEB generic questions, April 2017, p.1, citing Australian Commission on Safety and Quality in Health Care, 'National Safety and Quality Health Care Standards of Aboriginal and Torres Strait Islander consumers'.

892 ACT Health, Response to ATSIEB generic questions, April 2017, p.1, citing Australian Commission on Safety and Quality in Health Care, 'National Safety and Quality Health Care Standards of Aboriginal and Torres Strait Islander consumers'.

893 ACT Health, Response to ATSIEB generic questions, April 2017, p.1.

894 ACT Health, Response to ATSIEB generic questions, April 2017, p.1.

895 ACT Health, Response to ATSIEB generic questions, April 2017, p.1.

896 ACT Health, Response to ATSIEB generic questions, April 2017, p.1.



- offer emotional, social and cultural support<sup>897</sup>
- provide information about the hospital and other health services<sup>898</sup>
- assist patients with referrals to Aboriginal and Torres Strait Islander community organisations, and other health, housing and external services'.<sup>899</sup>

- 10.8 Fourth, the directorate maintained an Alcohol and Other Drug Liaison Officer, who supported 'Aboriginal and Torres Strait Islander clients with case management, referral and advocacy when accessing alcohol and drug sector services', which included 'includes assistance with negotiating and developing appropriate and achievable plans with these services'. The Liaison Officer also provided 'support and education to alcohol and drug services to ensure appropriate care is promoted for Aboriginal and Torres Strait Islander clients'.<sup>900</sup>
- 10.9 Fifth, the directorate maintained a Mental Health Aboriginal and Torres Strait Islander Liaison Officer 'to support liaison with services including: mental health teams, Aboriginal and Torres Strait Islander services, youth and adult medical services, and other stakeholders as required'.<sup>901</sup>
- 10.10 Sixth, the directorate maintained a Justice Health Aboriginal and Torres Strait Islander Liaison Officer, which was 'an Aboriginal and Torres Strait Islander identified position at the Dhulwa Mental Health Unit' to work with 'Aboriginal and Torres Strait Islander patients and detainees'.<sup>902</sup>
- 10.11 Seventh, the directorate provided 'targeted outreach services' which took 'the service to the service user to improve opportunities for access'. The ACT Government had, in 2016–17, 'committed an additional \$1.26 million over four years to build on outreach health services for Aboriginal and Torres Strait Islander peoples in the ACT and surrounding region', and initiative which would 'support implementation of identified strategic priorities for Aboriginal and Torres Strait Islander Health'.<sup>903</sup>
- 10.12 Eighth, the directorate had initiated an 'ACT Health client identification policy and data standard', which required ACT Health staff to 'ask all clients on entering the service "Are you of Aboriginal and/or Torres Strait Islander descent" in order to 'promote access to and provision of culturally appropriate service delivery'.<sup>904</sup>
- 10.13 Ninth, the directorate had ensured dissemination of information resources to staff, 'including providing access to cultural awareness training to ACT Health staff' to 'ensure that they are informed of the issues relating to access and provision of culturally appropriate services for Aboriginal and Torres Strait Islander peoples'. The directorate had also 'developed a strategy to disseminate specified educational information on Closing the Gap principles and supports directly to junior and senior medical officers at Canberra Hospital' in 2016, 'as a commitment following issues raised at the ATSIEB Hearing in 2015'.<sup>905</sup>

897 ACT Health, Response to ATSIEB generic questions, April 2017, p.1.

898 ACT Health, Response to ATSIEB generic questions, April 2017, p.1.

899 ACT Health, Response to ATSIEB generic questions, April 2017, p.1.

900 ACT Health, Response to ATSIEB generic questions, April 2017, p.1.

901 ACT Health, Response to ATSIEB generic questions, April 2017, p.2.

902 ACT Health, Response to ATSIEB generic questions, April 2017, p.2.

903 ACT Health, Response to ATSIEB generic questions, April 2017, p.2.

904 ACT Health, Response to ATSIEB generic questions, April 2017, p.2.

905 ACT Health, Response to ATSIEB generic questions, April 2017, pp.1–2.



## 2 Implement ACT Aboriginal and Torres Strait Islander Agreement

10.14 In relation to the second generic question, the directorate in its written response stated that:

ACT Health, in line with the ACT Aboriginal and Torres Strait Islander Agreement (the agreement), is committed to the central tenet of Reconciliation between Aboriginal and Torres Strait Islander Peoples and non-Indigenous Australians and to providing focused and effective services for Aboriginal and Torres Strait Islander peoples in the ACT. This is being implemented as part of core business through:

- Acknowledging and valuing the role of the Ngunnawal people as the traditional custodians at all ACT Health meetings and events. Aboriginal and Torres Strait Islander Cultural Protocols for Events are in place to support these practices.
- Monitoring the progress of agreement commitments and providing input to whole-of-government discussions about practical implementation of the agreement across government through participation in the ACT Public Service Strategic Board Aboriginal and Torres Strait Islander Affairs Subcommittee and the ACT Aboriginal and Torres Strait Islander Agreement Implementation Reference Group.
- Developing and implementing an *ACT Health Stretch Reconciliation Action Plan 2015–18* to help strengthen relationships, respect and opportunities with Aboriginal and Torres Strait Islander peoples and organisations, including: displaying the *ACT Aboriginal and Torres Strait Islander Agreement 2015–18* on the ACT Health Aboriginal and Torres Strait Islander Health Portal; providing an ACT Health Corporation Orientation presentation on Aboriginal and Torres Strait Islander Health for all staff; providing an eLearning module 'Working with Aboriginal and Torres Strait Islander patients and clients'; and acknowledging staff who embed their workplace practices with the five 'ACT Relationship Principles' at ACT Health Aboriginal and Torres Strait Islander Awards.
- Developing and implementing an *ACT Health Aboriginal and Torres Strait Islander Workforce Action Plan 2013–18*, to support Aboriginal and Torres Strait Islander peoples to enter and remain in the health workforce.
- Developing and implementing identified strategic priorities for Aboriginal and Torres Strait Islander Health.
- Establishing the Ngunnawal Bush Healing Farm which aims to improve health and social outcomes for Aboriginal and Torres Strait Islander people of our region recovering from alcohol and other drug dependence in a setting that enhances connection to culture. Construction of the facility is near completion and it is expected to open in 2017.
- A commitment to working to reduce smoking rates amongst Aboriginal and Torres Strait Islander peoples in the ACT.
- Developing and implementing ACT Health guidelines for Engaging and Consulting with the Aboriginal and Torres Strait Islander Communities in the ACT.
- Implementing Aboriginal and Torres Strait Islander Health Impact Statements, which require all staff developing high level ACT Health policies and procedures, to consult with and consider any impacts on Aboriginal and Torres Strait Islander peoples, before policies are finalised and approved.
- Raising staff awareness of the agreement through ACT Health Director-General all staff bulletins, and honouring the agreement through celebrating and promoting significant cultural dates.<sup>906</sup>

906 ACT Health, Response to ATSIEB generic questions, April 2017, pp.2–3.



### **3 Aboriginal and Torres Strait Islander organisations and community**

- 10.15 In relation to the third generic question, the directorate in its written response stated that ACT Health was 'implementing the agreement through relationships with Aboriginal and Torres Strait Islander organisations and the community generally' in the following ways.<sup>907</sup>
- 10.16 First, the directorate was engaging in 'information sharing and collaboration with non-government partners through participation in relevant joint committees', such as the ACT Aboriginal and Torres Strait Islander Health Forum. Forum members included the Commonwealth Department of Health, Winnunga Nimmityjah Aboriginal Health Service and ACT Health 'together with representation from Capital Health Network and the Aboriginal and Torres Strait Islander Elected Body'. The purpose of this forum was to provide 'cooperation and a shared vision on how to improve the health of Aboriginal and Torres Strait Islander peoples in the ACT'.<sup>908</sup>
- 10.17 Second, the directorate had provided for the inclusion of Aboriginal and Torres Strait Islander stakeholders and community representatives on 'relevant ACT Health committees', including the ACT Health Aboriginal and Torres Strait Islander Health Coordination Group and the Ngunnawal Bush Healing Farm Advisory Board.<sup>909</sup>
- 10.18 Third, the directorate ensured that there were regular meetings between the ATSIEB health portfolio representative and the ACT Health Director-General.<sup>910</sup>
- 10.19 Fourth, the directorate ensured that there was 'provision of focused and effective services, as per the commitment under the agreement, in partnership with community controlled organisations'.<sup>911</sup>
- 10.20 Fifth, the directorate provided financial support for 'the annual Sorry Day Walk, organised by Winnunga, which promotes reconciliation'.<sup>912</sup>

### **4 Increased knowledge of the agreement amongst staff**

- 10.21 In relation to the fourth generic question, the directorate in its written response stated that the agreement was available on the following ACT Health websites:
- 'ACT Health Hub (internal website) via Policy and Clinical Guidance Register
  - ACT Health website (external for the public domain, but also accessible for all staff) under Research and Publications — Policy and Plans
  - ACT Health Aboriginal and Torres Strait Islander Health Portal (external for the public domain, but also accessible for all staff) via Aboriginal and Torres Strait Islander Representative Bodies and Policies'.<sup>913</sup>
- 10.22 The response also stated that information about the agreement had been 'incorporated into ACT Health Corporate Orientation presentation on Aboriginal and Torres Strait Islander Health' and the eLearning module 'Working with Aboriginal and Torres Strait Islander patients and clients'.<sup>914</sup>

907 ACT Health, Response to ATSIEB generic questions, April 2017, p.3.

908 ACT Health, Response to ATSIEB generic questions, April 2017, p.3.

909 ACT Health, Response to ATSIEB generic questions, April 2017, p.3.

910 ACT Health, Response to ATSIEB generic questions, April 2017, p.3.

911 ACT Health, Response to ATSIEB generic questions, April 2017, p.3.

912 ACT Health, Response to ATSIEB generic questions, April 2017, p.3.

913 ACT Health, Response to ATSIEB generic questions, April 2017, p.4.

914 ACT Health, Response to ATSIEB generic questions, April 2017, p.4.



## 5 Aboriginal and Torres Strait Islander staff profile

- 10.23 In relation to the fifth generic question, the directorate in its written response stated, in relation to 'current numbers', that 'ACT Health currently employs 82 Aboriginal and Torres Strait Islander staff as at 25 January 2017 which equates to 1.12 per cent of the ACT Health workforce'.<sup>915</sup>
- 10.24 For identified positions, the response advised that a 'total of 12 Aboriginal and Torres Strait Islander identified positions' had been established, and in relation to gender, that a total of '58 females and 24 males [identified] as Aboriginal and/or Torres Strait Islander employees'.<sup>916</sup>
- 10.25 For classifications, the response advised that:
- Aboriginal and Torres Strait Islander staff are employed across various classification groups, including administration, allied health, dental, general, junior medical officers, nursing staff, technical officers.<sup>917</sup>
- 10.26 In relation to professional development and retention opportunities in place, the response advised that the directorate offered 'a number of leadership and management programs to all staff seeking to develop their leadership and management capabilities', and comprising both 'formal qualifications and short programs', and that these included:
- 'Senior Doctor Leadership Program — for Clinical/Unit Directors
  - People Manager Program — for frontline supervisors/team leaders to middle managers
  - Emerging Manager Program — for staff who aspire to be in or have recently moved to a supervisor/team leader role
  - Let's talk...performance — for team leaders/supervisors/managers of all levels
  - Respect at Work-Manager's Seminar — for team leaders/supervisors/managers of all levels
  - Leadership Network — the network is attended by the DG, DDGs, Executive Directors and nominated 100 leaders/emerging leaders
  - Leading Teams through Change — for team leaders/supervisors/managers of all levels that are directly responsible for leading their teams through change
  - Frontline Clinical Leadership Program — specifically designed for frontline clinical leaders'.<sup>918</sup>
- 10.27 This had also included a 'Preliminary Assessment—designed for supervisors/managers/leaders at all levels', and the customisation of 'the Whole-of-Government Performance Template to reflect ACT Health values'. The directorate had also provided 'instruction to staff to ensure that performance discussions take into consideration key ACT Health documents, including the ACT Health Aboriginal and Torres Strait Islander Workforce Plans and Agreement and the ACT Health Multicultural Co-ordinating Framework', and this information was 'available on the ACT Health webpage for Performance Planning Discussions Program'.<sup>919</sup>
- 10.28 The response went on to say that attached data showed Aboriginal and Torres Strait Islander Retention and demonstrated that '31 per cent of the 2009 cohort remains in employment to-date'. It noted that the *ACT Public Service State of Service Report 2015* indicated 'an increase in Aboriginal and Torres Strait Islander staff between 2014 (270) and 2015 (317)'.<sup>920</sup>

915 ACT Health, Response to ATSIEB generic questions, April 2017, p.4.

916 ACT Health, Response to ATSIEB generic questions, April 2017, p.4.

917 ACT Health, Response to ATSIEB generic questions, April 2017, p.4.

918 ACT Health, Response to ATSIEB generic questions, April 2017, p.5.

919 ACT Health, Response to ATSIEB generic questions, April 2017, p.5.

920 ACT Health, Response to ATSIEB generic questions, April 2017, p.5.



10.29 It stated that the 'most commonly reported strategies' to retain Aboriginal and Torres Strait Islander employees were:

Aboriginal and Torres Strait Islander Cultural Awareness Training; 'the promotion of the ACTPS as an employer of choice; and advertising employment opportunities through a variety of media sources including Aboriginal and Torres Strait Islander publications and media.'<sup>921</sup>

10.30 In relation to the question 'How are you increasing Aboriginal and Torres Strait Islander representation?', the response advised that the ACT Public Service was 'committed to being an employer of choice for Aboriginal and Torres Strait Islander peoples, people with a disability and people from diverse backgrounds', and that each year the ACT Public Service set 'an annual employment diversity target', in relation to which the directorate would need 'to have reached a growth target of 93 Aboriginal and Torres Strait Islander employees by 30 June 2017'.<sup>922</sup>

10.31 It went on to say that:

ACT Health conducts an annual Equity and Diversity Data update each year where all staff are encouraged to update their equity and diversity details on the HR21 system. This information assists ACT Government with the development of equity and diversity programs and for statistical and reporting purposes.<sup>923</sup>

10.32 The response also provided information on retention of Aboriginal and Torres Strait Islander employees in two tables at the end of the document.<sup>924</sup>

## **6 Aboriginal and Torres Strait Islander leadership**

10.33 In relation to the sixth generic question, the directorate in its written response stated that ACT Health acknowledged:

the importance of Aboriginal and Torres Strait Islander leadership and participation in decision-making and governance at all levels of ACT Government healthcare system both with Aboriginal and Torres Strait Islander specific and mainstream roles and positions.<sup>925</sup>

10.34 It went on to say that through the 'implementation of the *ACT Health Stretch Reconciliation Action Plan 2015–18* and the *ACT Health Aboriginal and Torres Strait Islander Health Workforce Action Plan 2013–18*, the directorate had 'established a statement to reinforce its commitment to building a culturally-diverse and inclusive workplace', by 'strongly encouraging Aboriginal and Torres Strait Islander peoples to apply for all positions'. It noted that this statement was 'featured in the ACT Health website for advertised positions', which included another statement 'advising Aboriginal and Torres Strait Islander cultural awareness training is available for all staff'.<sup>926</sup>

## **7 Focused and effective services**

10.35 In relation to the seventh generic question, the directorate in its written response stated that in 2016–17, the ACT Government had committed 'an additional \$1.26 million over four years to build on outreach health services' for Aboriginal and Torres Strait Islander peoples in the ACT and surrounding region.

921 ACT Health, Response to ATSIEB generic questions, April 2017, p.5.

922 ACT Health, Response to ATSIEB generic questions, April 2017, p.5.

923 ACT Health, Response to ATSIEB generic questions, April 2017, p.6.

924 ACT Health, Response to ATSIEB generic questions, April 2017, p.11.

925 ACT Health, Response to ATSIEB generic questions, April 2017, p.6, citing the *Cultural Respect Framework 2016–26 for Aboriginal and Torres Strait Islander health, A national approach to building a culturally respectful health system* -Domain 3. Workforce Development and Training.

926 ACT Health, Response to ATSIEB generic questions, April 2017, p.6.



It stated that this initiative would 'help to deliver comprehensive and appropriate specialist care, and associated support activities through outreach services'.<sup>927</sup>

- 10.36 The response stated that the ACT Health Promotion Grants Program contributed to 'improving health outcomes and minimising the risk of developing chronic disease within the ACT population' and, with this objective, grants were provided to community-based organisations through Healthy Canberra Grants Program and the Health Promotion Innovation Fund.<sup>928</sup>
- 10.37 The response stated that in 2015–16 and 2016–17, the Health Promotions Grant Program had funded three Aboriginal and Torres Strait Islander projects, which were the:
- Jervis Bay School Gardens Project (\$89,392 GST exclusive), 'to establish a garden for students to grow fruit and vegetables as part of a healthy eating program for student and families'<sup>929</sup>
  - Wirrpanda Wirra Club (\$314,453 GST exclusive), which would 'directly target 90 Aboriginal and Torres Strait Islander primary school children aged 5–12 years in three Canberra schools per year', and indirectly target 'children 0–4 years old by building capacity in parents of young children'. This program aimed to 'reduce the incidence of overweight and obesity among Aboriginal and Torres Strait Islander children in the ACT and improve eating habits and increase physical activity levels'<sup>930</sup>
  - Winnunga Healthy Weight Program — Prevention and Support (\$405,000 GST exclusive), which aimed to 'improve population level outcomes around overweight and obesity-healthy/at risk, overweight and unwell Aboriginal and Torres Strait Islander peoples'.<sup>931</sup>
- 10.38 The response stated that ACT Health delivered 'a range of focused and effective initiatives for Aboriginal and Torres Strait Islander peoples in the ACT'. This included the Aboriginal and Torres Strait Islander Liaison Service 'to support Aboriginal and Torres Strait Islander peoples accessing mainstream services', and 'funding for the community controlled sector to provide health services in culturally-appropriate settings'.<sup>932</sup>
- 10.39 The response described three further initiatives, detailed below.
- 10.40 First, in 2015–16, 'one-off funding' had been extended, 'for a range of smoking cessation initiatives specifically supporting Aboriginal and Torres Strait Islander peoples'. This included funding for Winnunga and Gugan Gulwan 'to conduct a range of activities', including 'development of new information materials, including for pregnant smokers'; 'community education and events'; 'staff education and professional development'; and provision of Nicotine Replacement Therapy for free to clients who would have otherwise had to pay costs. The response stated that these initiatives 'funded addressed gaps in service provision identified through consultation with the community controlled organisations and in commissioned research'.<sup>933</sup>
- 10.41 Second, the Aboriginal and Torres Strait Islander Young Peoples Sexual Health Outreach project, 'delivered through Canberra Sexual Health Centre (CSHC)', provided 'targeted services for young people in settings such as Gugan Gulwan Youth Aboriginal Corporation, Ted Noffs residential services and Bimberi Youth Justice Centre'. In connection with this, the response reported, CSHC had 'reported a significant increase in the number of Aboriginal and Torres Strait Islander clients accessing their services since implementation of the project'.<sup>934</sup>

927 ACT Health, Response to ATSIEB generic questions, April 2017, p.6.

928 ACT Health, Response to ATSIEB generic questions, April 2017, p.6.

929 ACT Health, Response to ATSIEB generic questions, April 2017, p.6.

930 ACT Health, Response to ATSIEB generic questions, April 2017, p.6.

931 ACT Health, Response to ATSIEB generic questions, April 2017, p.7.

932 ACT Health, Response to ATSIEB generic questions, April 2017, p.7.

933 ACT Health, Response to ATSIEB generic questions, April 2017, p.7.

934 ACT Health, Response to ATSIEB generic questions, April 2017, p.7.



- 10.42 Third, ACT Health continued 'to provide Aboriginal and Torres Strait Islander Liaison Services at ACT Public Hospitals', including Canberra Hospital and Calvary Public Hospital Bruce, Mental Health, Justice Health and Alcohol and Drug Services. The response noted that these were 'Aboriginal and Torres Strait Islander identified positions'.<sup>935</sup>

## **8 Effective policy development and policy impact**

- 10.43 In relation to the eighth generic question, the directorate in its written stated that it recognised:  
the importance of strong processes to assess the needs of Aboriginal and Torres Strait Islander peoples in the policy development process and to consistently embed and implement policies.<sup>936</sup>
- 10.44 The response stated that the directorate sought to 'ensure this' in a number of ways, including through three actions it provide as examples.<sup>937</sup>
- 10.45 The first example was of the directorate ensuring 'that the development of all new major policies and strategies includes a community consultation processes'. This included 'consultation with members of the Aboriginal and Torres Strait Islander community', one expression of which was a public consultation in 2016 on the draft ACT Aboriginal and Torres Strait Islander Health Plan was undertaken in April–May 2016, 'including targeted circulation to key stakeholders'.<sup>938</sup>
- 10.46 In the second example the response stated that all 'Tier One ACT Health policies', that is 'those that are to be implemented across the whole organisation', were 'required to complete an Aboriginal and Torres Strait Islander Health Impact Statement'.<sup>939</sup>
- 10.47 The response stated that the template for these statements was designed to:  
assist staff to consider and incorporate research information and evidence of the health needs of the ACT Aboriginal and Torres Strait Islander communities in the preparation and development of appropriate ACT Health policies, procedures, programs and strategies, and to demonstrate evidence of having consulted with key stakeholders.<sup>940</sup>
- 10.48 In the third example the response provided was of ensuring that 'key policies related to Aboriginal and Torres Strait Islander health [were] accessible to staff on the policy register', that 'staff [were] consulted when reviews of these documents [were] undertaken' and that staff were 'notified of new versions of these documents via the Director-General all staff bulletins'.<sup>941</sup>
- 10.49 In addition, the response stated that the directorate's Aboriginal and Torres Strait Islander Health Unit was 'key to effective policy development and support for health service delivery in the public and community health settings'.<sup>942</sup>
- The Aboriginal and Torres Strait Islander Health Unit is a core business area within the Policy and Stakeholder Relations branch which provides advice to ACT Health and the ACT Government on strategic policy issues of national, territory-wide and health-sector-wide importance.<sup>943</sup>

935 ACT Health, Response to ATSIEB generic questions, April 2017, p.7.

936 ACT Health, Response to ATSIEB generic questions, April 2017, p.7.

937 ACT Health, Response to ATSIEB generic questions, April 2017, p.7.

938 ACT Health, Response to ATSIEB generic questions, April 2017, p.7.

939 ACT Health, Response to ATSIEB generic questions, April 2017, p.7.

940 ACT Health, to ATSIEB generic questions, April 2017, p.7.

941 ACT Health, Response to ATSIEB generic questions, April 2017, p.8.

942 ACT Health, Response to ATSIEB generic questions, April 2017, p.8.

943 ACT Health, Response to ATSIEB generic questions, April 2017, p.8.



- 10.50 It stated that the role of the Aboriginal and Torres Strait Islander Health Unit was to:
- improve Aboriginal and Torres Strait Islander health in the ACT and the surrounding region, by providing policy advice to the Minister for Health, the Health Executive, and to other areas of the Health portfolio on how to be inclusive of Aboriginal and Torres Strait Islander health needs and how to make Aboriginal and Torres Strait Islander health everyone's business.<sup>944</sup>
- 10.51 The response went on to say that the Unit provided 'ACT perspectives on national issues and advice on how regional and national issues impact on the ACT Aboriginal and Torres Strait Islander communities'. It worked with 'Winnunga and Gugan Gulwan to support the delivery of health services to the Aboriginal and/or Torres Strait Islander communities in the ACT and surrounding region', and was 'actively involved in the establishment of the Ngunnawal Bush Healing Farm' and 'setting the direction of Aboriginal and Torres Strait Islander health initiatives in the ACT over the next five years'.<sup>945</sup>

## 9 Budget allocations to programs, services and clients

- 10.52 In relation to the ninth generic question, the directorate in its written response stated that the ACT Government was 'committed to ensuring all Canberrans, including Aboriginal and Torres Strait Islander peoples, have the opportunity to reach their full potential and participate in an inclusive society', and that this commitment was 'reflected in expenditure at a Territory level on Aboriginal and Strait Islander services and programs'.<sup>946</sup>
- 10.53 The response stated that total expenditure on Aboriginal and Torres Strait Islanders in the ACT (in 2012–13 dollars) was 'the second highest jurisdictional spending in the country', and that according to the Productivity Commission, an Aboriginal and/or Torres Strait Islander person in the ACT on average would receive '\$30,465 of direct territory level government service expenditure per person', which was 'second only to the Northern Territory (\$37,675 per person)', and 'well above the national average of \$22,611 per person'.<sup>947</sup>
- 10.54 The response stated that specifically 'in regard to healthcare and programs supporting healthy lives', Aboriginal and Torres Strait Islander people in the ACT received, 'on average per person, the highest level of state/territory government service support in the country', with 'each Aboriginal and Torres Strait Islander person receiving an average of \$13,533, versus a national average of \$5,309'.<sup>948</sup>
- 10.55 The response stated that in 2015–16, ACT Health expenditure 'specifically in relation to Aboriginal and Torres Strait Islander services and programs was \$5.142 million', and that 'administration attributed to these services was \$1.028 million'. Aboriginal and Torres Strait Islander specific funding, 'including overheads and administration', accounted for '0.34 per cent of total ACT Health expenses'.<sup>949</sup>
- 10.56 The response stated that this differed from '2014–15 spending of \$6,251,564', which could 'largely be attributed to a one-off grant of \$1.3 million provided to Winnunga in 2014–15 to extend the Narrabundah health facility'.<sup>950</sup>

944 ACT Health, Response to ATSIEB generic questions, April 2017, p.8.

945 ACT Health, Response to ATSIEB generic questions, April 2017, p.8.

946 ACT Health, Response to ATSIEB generic questions, April 2017, p.8.

947 ACT Health, Response to ATSIEB generic questions, April 2017, p.8, citing Productivity Commission, 2014, *Indigenous Expenditure Report*.

948 ACT Health, Response to ATSIEB generic questions, April 2017, p.8, citing Productivity Commission, 2014, *Indigenous Expenditure Report*.

949 ACT Health, Response to ATSIEB generic questions, April 2017, p.9.

950 ACT Health, Response to ATSIEB generic questions, April 2017, p.9.



10.57 It also stated that this funding had 'not yet been expended by Winnunga' and that the directorate continued 'to work with Winnunga to explore options to meet the needs of Aboriginal and Torres Strait Islander peoples in the ACT both now and into the future'.<sup>951</sup>

## **10 Peer support, mentoring and coaching for Aboriginal and Torres Strait Islander staff**

10.58 In relation to the tenth generic question, the directorate in its written response stated that the directorate offered 'mentoring and peer support training for clinical staff', and that this was 'not specific for Aboriginal and Torres Strait Islander staff'.<sup>952</sup>

10.59 The response provided two examples.

10.60 First, it indicated 'Clinical Support and Supervision Essentials (precepting)', which was 'designed for clinicians who support/mentor/provide learning to staff in clinical environments'.<sup>953</sup>

10.61 Second, it indicated a number of staff-development programs, including 'Allied Health professional courses on Peer Assisted Learning, and Peer Supervision': 'Clinical Supervision and Support Essentials'; 'Teaching on the Run'; 'Peer Assisted Learning'; and an 'Interprofessional New Graduate Program'.<sup>954</sup>

10.62 In addition, it stated that:

The 2016–17 Budget included an allocation of \$107,000 to Chief Minister, Treasury, Economic and Development Directorate to provide additional mentoring and training to Aboriginal and Torres Strait Islander staff in the ACT Public Service and to improve their career development outcomes. Once available, ACT Health will strongly encourage Aboriginal and Torres Strait Islander staff to apply for any mentoring and training.<sup>955</sup>

## **11 A specific Aboriginal and Torres Strait Islander Staff Network**

10.63 In relation to the eleventh generic question, the directorate in its written response stated that:

The ACT Health Aboriginal and Torres Strait Islander Health Workforce Support Network provides an opportunity for Aboriginal and Torres Strait Islander staff to come together to share information and ideas, strengthen the network of Aboriginal and Torres Strait Islander health care workers in the ACT and region and support its members.<sup>956</sup>

10.64 The response stated that:

Through the Director-General Staff Bulletins, information is provided to all staff on upcoming Aboriginal and Torres Strait Islander Health Workforce Support Network meetings and activities.<sup>957</sup>

10.65 It also stated that:

ACT Health's initiative 'MyHealth' promotes information about the Network and support services on improving the health and wellbeing of all staff. Contact details are available through a summary document called 'MyHealth program of services'.<sup>958</sup>

951 ACT Health, Response to ATSIEB generic questions, April 2017, p.9.

952 ACT Health, Response to ATSIEB generic questions, April 2017, p.9.

953 ACT Health, Response to ATSIEB generic questions, April 2017, p.9.

954 ACT Health, Response to ATSIEB generic questions, April 2017, p.9.

955 ACT Health, Response to ATSIEB generic questions, April 2017, p.9.

956 ACT Health, Response to ATSIEB generic questions, April 2017, p.9.

957 ACT Health, Response to ATSIEB generic questions, April 2017, p.9.

958 ACT Health, Response to ATSIEB generic questions, April 2017, p.9.



## 12 Support for staff to participate in the Murranga Murranga Employee Network

- 10.66 In relation to the twelfth generic question, the directorate in its written response stated that the ACT Public Service Murranga Murranga Employee Network was 'supported by all ACT Government Directorates', and that the co-chair of the network was the Director of Workforce Policy and Planning Unit, ACT Health.<sup>959</sup>
- 10.67 The response stated that although participation in the ACT Public Service Murranga Murranga Employee Network was 'voluntary', 'through the secretariat of this Network, ACT Health Aboriginal and Torres Strait Islander employees' were 'strongly encouraged to attend and participate in all network discussions'.<sup>960</sup>
- 10.68 The response went on to say that the directorate was 'exploring opportunities'<sup>961</sup> to:  
formalise a link between the ACT Public Service Murranga Murranga Employee Network and the ACT Health Aboriginal and Torres Strait Islander Health Workforce Support Network.<sup>962</sup>

## 13 Aboriginal and Torres Strait Islander Cultural Awareness Training

- 10.69 In relation to the thirteenth generic question, the directorate in its written response stated that:  
Through the implementation of the *ACT Health Aboriginal and Torres Strait Islander Health Workforce Action Plan 2013–18* and the *ACT Health Stretch Reconciliation Action Plan 2015–18*, ACT Health is committed to provide Aboriginal and Torres Strait Islander cultural awareness training for all staff.<sup>963</sup>
- 10.70 The response stated that the ACT Health Essential Education Policy and ACT Health Essential Education Guidelines was 'currently being reviewed' and would 'include the eLearning module "Working with Aboriginal and Torres Strait Islander patients and clients" as essential education for all staff'. 'All staff' would be informed of these changes 'via the Director-General All Staff Bulletin on 6 March 2017, to let them know changes to their training profiles on the Learning and Development system will take effect on 27 March 2017'.<sup>964</sup>
- 10.71 The response stated that in 2015–16, 'a total of 1097 staff completed the ACT Health Corporate Orientation' and 'a total of 313 staff completed the Aboriginal and Torres Strait Islander eLearning module'.<sup>965</sup>
- 10.72 However, the response stated:  
none of the Executive Director, Senior Executive, Deputy Director-General and/or Director-General completed the online Aboriginal and Torres Strait Islander cultural awareness training and/or participated in the ACT Health Corporate Orientation presentation on Aboriginal and Torres Strait Islander health.<sup>966</sup>
- 10.73 In connection with this, the response stated that the directorate had 'sought quotations from experienced contractors to deliver face-to-face cultural competence workshops on better understanding Aboriginal and Torres Strait Islander health and wellbeing, including a mentoring program and workshops for all staff', but this had not as yet 'been implemented'.<sup>967</sup>

959 ACT Health, Response to ATSIEB generic questions, April 2017, p.10.

960 ACT Health, Response to ATSIEB generic questions, April 2017, p.10.

961 ACT Health, Response to ATSIEB generic questions, April 2017, p.10.

962 ACT Health, Response to ATSIEB generic questions, April 2017, p.10.

963 ACT Health, Response to ATSIEB generic questions, April 2017, p.10.

964 ACT Health, Response to ATSIEB generic questions, April 2017, p.10.

965 ACT Health, Response to ATSIEB generic questions, April 2017, p.10.

966 ACT Health, Response to ATSIEB generic questions, April 2017, p.10.

967 ACT Health, Response to ATSIEB generic questions, April 2017, p.10.



## 14 Cultural training for Director-General and senior executives

10.74 In relation to the fourteenth generic question, the directorate in its written response stated that:

The restructure of the organisation and recruitment of many new senior executives in the past 12 months has resulted in low levels of completion of our Aboriginal and Torres Strait Islander Cultural Awareness Training for executives. ACT Health will endeavour to progress this work during the next 12 month period.<sup>968</sup>

## Hearings

10.75 The directorate appeared before the Elected Body in hearings of 13 April 2017.

## Matters considered

10.76 Matters considered included:

- new programs and services<sup>969 \*</sup>
- specialist drug services<sup>970</sup>
- new agreements with Winnunga and Gugan Gulwan<sup>971</sup>
- attempts to measure success<sup>972\*</sup>
- whether medical practitioners were aware of Closing the Gap measures and eligibility under the PBS scheme for Aboriginal and Torres Strait Islander people<sup>973</sup>
- the Secure Mental Health Unit, and whether ACT Health had developed a 'comprehensive assessment plan for detainees at the Alexander Maconochie Centre and the Symonston facility to ascertain if any Aboriginal and Torres Strait Islander detainees need special mental health care'<sup>974\*</sup>
- Aboriginal health workers<sup>975\*</sup>
- projects to assist families in relation to the aftermath of suicide incidents<sup>976</sup>
- Indigenous mental health services<sup>977\*</sup>
- high staff turnover at the Aboriginal and Torres Strait Islander unit at the Canberra Hospital<sup>978\*</sup>
- the current status of the Aboriginal health plan<sup>979\*</sup>
- whether an additional two Aboriginal and Torres Strait Islander enrolled nurse positions, indicated in the directorate's annual report, had been filled<sup>980</sup>
- an Aboriginal and Torres Strait Islander health policy unit.<sup>981</sup>

968 ACT Health, Response to ATSIEB generic questions, April 2017, p.10.

969 ATSIEB, *Proof Transcript*, 13 April 2017, p.157 ff. Starred items (\*\*) are dealt with in the section on 'Key issues' below.

970 ATSIEB, *Proof Transcript*, 13 April 2017, p.157.

971 ATSIEB, *Proof Transcript*, 13 April 2017, pp.157–158.

972 ATSIEB, *Proof Transcript*, 13 April 2017, pp.158–161.

973 ATSIEB, *Proof Transcript*, 13 April 2017, pp.161–162.

974 ATSIEB, *Proof Transcript*, 13 April 2017, pp.162–164.

975 ATSIEB, *Proof Transcript*, 13 April 2017, pp.164–166.

976 ATSIEB, *Proof Transcript*, 13 April 2017, pp.166–167.

977 ATSIEB, *Proof Transcript*, 13 April 2017, pp.167–168.

978 ATSIEB, *Proof Transcript*, 13 April 2017, p.170.

979 ATSIEB, *Proof Transcript*, 13 April 2017, pp.171–172.

980 ATSIEB, *Proof Transcript*, 13 April 2017, p.172.

981 ATSIEB, *Proof Transcript*, 13 April 2017, pp.172–173.



## New programs and services

10.77 In hearings, the Elected Body asked questions regarding new programs and services.<sup>982</sup>

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

As part of the 2016–17 budget, the ACT Government has committed to implement a range of new programs as well as extending a number of existing programs for our Aboriginal and Torres Strait Islander people in the ACT. A good example of this includes a further \$6 million investment over four years in specialist drug services. So whilst not specifically related just to the community, it will also be particularly apt in relation to that area.<sup>983</sup>

10.79 The Director-General told the Elected Body that:

We know that Aboriginal and Torres Strait Islander people, unfortunately, disproportionately experience methamphetamine and other drug-related harms. This is something, and a very personal commitment, that we want to tackle head on across the board. The funding that has been given up by the budget, the \$6 million, will be dedicated to that type of work.<sup>984</sup>

10.80 She told the Elected Body that:

Part of the new funding announced in last year's budget has been used to support the capacity of the Aboriginal and Torres Strait Islander controlled organisation to respond to increasing methamphetamine and other drug-related harms. We are also providing an additional \$1.26 million over four years to build on outreach health services for Aboriginal and Torres Strait Islander people. So there are not insubstantial sums being put towards this type of issue.<sup>985</sup>

10.81 'This initiative', she told the Elected Body, would 'support the implementation of new strategic priorities for Aboriginal and Torres Strait Islander health'. A draft of the health strategic priorities would be discussed with stakeholders at the next meeting of the ACT Aboriginal and Torres Strait Islander health coordination group in May 2017.<sup>986</sup>

10.82 'In addition', she said, 'in this financial year ACT Health has renewed funding for programs and services provided by the Aboriginal community controlled sector in the ACT'. As a result, she would be signing new agreements with both Winnunga and Gugan Gulwan, which would 'extend to June 2019'. Total funding in 2016–17 to both organisations 'to serve Indigenous Canberrans' would be 'just under \$3 million'.<sup>987</sup>

10.83 Finally, she indicated 'the commitment made by the ACT Government in the last election campaign to build a new community health clinic for Winnunga'. This was a '\$12 million commitment', and she was 'looking forward to progressing both the design and the eventual build of this facility with Julie Tongs, the chief executive of Winnunga, and its board over the coming months'.<sup>988</sup>

982 ATSIIEB, *Proof Transcript*, 13 April 2017, p.157 ff.

983 Ms Nicole Feely, *Proof Transcript*, 13 April 2017, p.157.

984 Ms Nicole Feely, *Proof Transcript*, 13 April 2017, p.157.

985 Ms Nicole Feely, *Proof Transcript*, 13 April 2017, p.157.

986 Ms Nicole Feely, *Proof Transcript*, 13 April 2017, p.157.

987 Ms Nicole Feely, *Proof Transcript*, 13 April 2017, p.157.

988 Ms Nicole Feely, *Proof Transcript*, 13 April 2017, p.157.



## Attempts to measure success

10.84 In hearings, the Elected Body asked about attempts to measure the success of programs and services.<sup>989</sup>

10.85 In responding, the Acting Executive Director, Policy and Stakeholder Relations, told the Elected Body that that ‘this was a difficult field’.<sup>990</sup>

We have to separate measuring program outcomes from macro level outcomes. By that I mean there are high level outcomes of life expectancy, rates of diabetes and those kinds of things. One program on its own cannot close the gap, so we need to make sure we target programs effectively at the start. That means making sure that we do an appropriate level of research to inform an evidence base to ensure that the money we are investing is going to be what we call leverageable and have the largest impact on the health problem.<sup>991</sup>

10.86 One example, he told the Elected Body, was that:

In the past couple of years we have targeted Aboriginal and Torres Strait Islander young women who are pregnant and are smoking. We targeted them not just because the rates were high but because the life-long effects that flow from that are significant. The probabilities of having low birth weight babies because you smoked a lot while you were pregnant are quite high.<sup>992</sup>

10.87 This was important, he told the Elected Body, because:

If you are a low birth weight baby your chances of obtaining a chronic disease during your lifetime are significantly higher than if you were not a low birth weight baby. If you develop chronic diseases earlier and more than other people, your chances of dying from one of those chronic diseases or living an impaired life because of one of them is significantly higher.<sup>993</sup>

10.88 In light of this, he told the Elected Body:

We can see that investment in targeting that cohort has a life-long flow-on effect. We try to target those activities where we can achieve. It is not just about achieving an occasion of service right now — that is important — but targeting those things that are trying to close the gap in health. That is what we try to do.<sup>994</sup>

10.89 The Acting Executive Director went on to say that:

At the moment [the directorate was] are focused on exploring in the ACT and working nationally on ear health, making sure that kids are getting an appropriate number of screenings. You get screened at birth and you get screened through schools, but we know that Aboriginal and Torres Strait Islander kids can miss out on getting screened. If you miss out on getting screened you can have hearing problems that you do not know you have.<sup>995</sup>

10.90 He told the Elected Body that:

This affects your educational outcomes and your interrelationships with the justice system, surprisingly enough, again affecting your health status and your overall status as a human being. It might not get picked up ever and it might not get picked up until you are 30 or 40. So it is important to get them early.

989 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.158–161.

990 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.158.

991 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.158.

992 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.158.

993 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.158.

994 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.158.

995 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.158.



We know nationally that lots of Aboriginal and Torres Strait Islander kids are getting missed and we want to make sure that is not happening in the ACT. That is how we try to target the program.<sup>996</sup>

- 10.91 He also told the Elected Body that the directorate used additional methods to ensure that the directorate was getting appropriate 'throughput', that is: 'basically, that we are seeing enough people per dollar'.<sup>997</sup> To do this, he said, the directorate used data published by the Australian Institute of Health and Welfare (AIHW) and the Productivity Commission's Report on Government Services (ROGS):

to benchmark our level of investment for Aboriginal and Torres Strait Islander people in the territory to make sure that we are not off-base, that we are not below and that we are not out of kilter. We are making sure that we are in line with everyone else or that we are better.<sup>998</sup>

- 10.92 When it came to programs, he said, it was 'hard to get an outcome'. For example, for GP consultations 'a GP may or may not give you a quality outcome'. In order to pursue such matters, the directorate periodically did 'pieces of research that look at issues and that can identify where we need to invest further', and this was how it 'first identified how we would approach the smoking in pregnant women issue: by going in and funding a set of research which you cannot pull out of standard data'.<sup>999</sup>
- 10.93 He went on to say that the directorate was 'quite flexible in how we try to collate information'. One difficulty, he said, was that 'not everyone identifies [as Aboriginal or Torres Strait Islander] in the health system', and so the directorate could not 'rely just on information that exists in the system', but had to 'be smart about how we collect it'.<sup>1000</sup>

### **The Secure Mental Health Unit**

- 10.94 In hearings, the Elected Body asked questions regarding the Secure Mental Health Unit, and in particular whether ACT Health had developed a 'comprehensive assessment plan for detainees at the Alexander Maconochie Centre and the Symonston facility to ascertain if any Aboriginal and Torres Strait Islander detainees need special mental health care'.<sup>1001</sup>

- 10.95 In responding, the Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, told the Elected Body that:

The secure mental health unit was completed in November last year. We commissioned the first ten of the 25 beds in that unit. We currently have eight people in those ten beds. Of those eight people, three of them identify as Aboriginal and Torres Strait Islander. So the proportion of people is fairly high. One fellow who is an Aboriginal and Torres Strait Islander person has been discharged from the unit. At one point we had four people, four of those ten beds.<sup>1002</sup>

- 10.96 Moving to respond to the specific question, she told the Elected Body that:

The way I look at the secure mental health unit is that it is the pointy end, if you like, of the triangle of increasing intensity of mental health care. It is the bit of the triangle that we have not had previously. Not many people need it but when they need it, it is a very important component of care.<sup>1003</sup>

- 10.97 She said that:

996 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.158.

997 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.159.

998 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.159.

999 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.159.

1000 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.159.

1001 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.162–164.

1002 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.163.

1003 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.163.



Our forensic mental health team in the AMC provides the secondary level care, if you like. That would be community equivalent care. They see every person who comes into the AMC, along with our primary care team. They do an assessment of the person's physical and mental wellbeing within 24 hours. It is usually on — well, it is on the same day that people come into the AMC. It is through that assessment that the mental health clinicians, then in discussion with the psychiatrists, make a decision about what mental health care a person may or may not need. That is the same process for the physical health components of care as well.<sup>1004</sup>

10.98 She went on to say that:

We have had a number of people — two or three people of those ten — transferred to Dhulwa from the AMC. When they have become acutely unwell in AMC, we have transferred them in for care. One of those fellows went back to the AMC after a three-week admission to Dhulwa. A couple of the other people who have been unwell in the community have come in through the hospital to our adult mental health unit on the Canberra Hospital campus and then been transferred across. We are currently working with the court system to transfer people into Dhulwa through assessment in the court system as well. There are a number of avenues in.<sup>1005</sup>

10.99 At this point in hearings, the Elected Body asked if there were any Aboriginal or Torres Strait Islander people involved in assessments within this process.<sup>1006</sup>

10.100 In responding, the Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, told the Elected Body that assessments were 'done through a panel process', and that 'anybody in the service system, at AMC corrections', could refer detainees for assessment, including the Forensic Mental Health Team and Aboriginal and Torres Strait Islander liaison officers.<sup>1007</sup>

10.101 Following this, she told the Elected Body, the person would be assessed by a panel consisting of 'a forensic psychiatrist, the nurse unit manager, the assistant director of nursing for the unit and another member who might be a social worker or psychologist', to make 'a holistic assessment of the person's wellbeing, their illness levels and ... their security levels'.<sup>1008</sup> If the person did not need to be 'in such a secure environment', then they would be referred to 'the adult mental health unit or even community-based care', although this second option did not apply for detainees at the AMC.<sup>1009</sup>

10.102 If a person was being held at the AMC, she told the Elected Body, and was an Aboriginal and Torres Strait Islander person and was being transferred to Dhulwa, then there was 'a whole complicated legal process that we have to go through to transfer custody from Corrections to Health' because the 'person then is a patient; no longer a detainee'. She said that the directorate's two Aboriginal liaison officers had 'to date been very actively involved in the transition of those people from either the adult mental health unit or AMC into Dhulwa'.<sup>1010</sup>

10.103 She went on to say that the directorate's clinical team 'respects the time that our two Aboriginal liaison officers spend with the patient to transfer them'.<sup>1011</sup> In one instance, she told the Elected Body:

1004 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.163.

1005 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.163.

1006 ATSIEB, *Proof Transcript*, 13 April 2017, p.163.

1007 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.163.

1008 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.163.

1009 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.164.

1010 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.164.

1011 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.164.



One of the fellows who was in the adult mental health unit spent about two hours with our Aboriginal liaison officers. He was incredibly distressed in the adult mental health unit. He spent a couple of hours. He came with our two Aboriginal liaison officers in a calm way, understanding where he was going, understanding why he was going and what to expect at the other end. They stayed with him. They went with him on that journey and stayed with him in the unit. They have also been involved with taking an Aboriginal man to court from Dhulwa on leave. In addition to having the security staff there, the two Aboriginal liaison officers were the closest person to the Aboriginal man, and that went very well as well.<sup>1012</sup>

## Aboriginal health workers

- 10.104 In hearings, the Elected Body asked questions regarding Aboriginal health workers. In particular the Elected Body asked about the classification process for Aboriginal health workers.<sup>1013</sup>
- 10.105 In responding, the Executive Director, People and Culture, said that in the time since earlier discussions with the Elected Body on the matter that ACT Health had 'entered into negotiations with the New South Wales ministry to obtain their consent to use their definition of an Aboriginal health worker'. This definition had four categories of health worker: 'an Aboriginal community health worker, an Aboriginal hospital liaison officer, a principal Aboriginal health worker and an Aboriginal health practitioner'.<sup>1014</sup>
- 10.106 She told the Elected Body that NSW had given its consent for the ACT to use this definition, and that since then the Health Directorate had 'undertaken an exercise of looking at existing vacant positions in relevant clinical areas that might be able to be used for those identified positions'.<sup>1015</sup> She said that those areas included:
- rehabilitation, aged and community care division; women, youth and children division; policy and stakeholder relations; cancer, ambulatory and community health support; and, of course, mental health.<sup>1016</sup>
- 10.107 These were areas, she told the Elected Body, which had 'significant relevance' and that given demand and the 'demographic within the Aboriginal community', these were 'particularly important areas in which to be able to appoint Aboriginal health workers'.<sup>1017</sup>
- 10.108 The Director-General also made comment in response to this question, saying that ACT Health had 'identified that we would like to start with four and see if we can move forward with four. She said that it had 'taken much longer than we had hoped to get the classification', but that there was 'great support across the executive to move on this'.<sup>1018</sup>
- 10.109 At this point the Elected Body asked further questions about whether there would be Aboriginal and Torres Strait Islander people working in critical assessment teams, from which they were currently absent.<sup>1019</sup>
- 10.110 In responding, the Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, told the Elected Body that ACT Health was 'a whisker of implementing our new community-based model of care', which was subject to consultation at the time of the hearings, and would be released for public consultation.<sup>1020</sup>

1012 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.164.

1013 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.164–166.

1014 Ms Patricia O'Farrell, *Proof Transcript*, 13 April 2017, p.164.

1015 Ms Patricia O'Farrell, *Proof Transcript*, 13 April 2017, p.164.

1016 Ms Patricia O'Farrell, *Proof Transcript*, 13 April 2017, p.164.

1017 Ms Patricia O'Farrell, *Proof Transcript*, 13 April 2017, p.164.

1018 Ms Nicole Feely, *Proof Transcript*, 13 April 2017, p.164.

1019 ATSIIEB, *Proof Transcript*, 13 April 2017, p.165.

1020 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.165.



10.111 She said that within this model of care there was ‘a commitment to having this classification of the Aboriginal health worker’. She said that ACT Health was ‘also very committed to having clinicians who are Aboriginal people as part of that team’, and that because this was ‘a high-end treatment team for expert clinical assessment’, there was also a need for ‘clinical skills in those teams as well’.<sup>1021</sup>

10.112 The Executive Director told the Elected Body that:

We have in the past two months done our most recent intake for our psychology intern program within the division. We have fortunately had a man who is an Aboriginal man who is also a psychologist. He is coming into our service system. That is a two-year program where we rotate him—or the person—through four different areas over six-monthly periods. The crisis team would not be the first place to do that, but through the course of that that person will get quite extensive mental health and alcohol and drug experience in our service.<sup>1022</sup>

10.113 In addition, she told the Elected Body, ACT Health also employed ‘a fully qualified social worker who works in our city mental health team who is an Aboriginal man’.<sup>1023</sup>

### **Indigenous mental health services**

10.114 In hearings, the Elected Body asked questions regarding Indigenous mental health services. In particular, the Elected Body asked questions regarding resourcing for, and access to, Indigenous mental health services.<sup>1024</sup>

10.115 In responding, the Executive Director, Mental Health, Justice Health and Alcohol and Drug Services, told the Elected Body that

Our service funds a number of positions that work with the social wellbeing team at Winnunga. We have a senior mental health nurse who works with the team. We have a psychiatry registrar who is part of the training program. That is a rotating position, so every six months, I think, they rotate through different positions. We are giving exposure to all of our registrars in our training program—well, as many as we can—and access to learning about Aboriginal and Torres Strait Islander people’s needs in an Aboriginal health service.<sup>1025</sup>

10.116 She said that there was also a psychiatrist who worked at Winnunga on part time a part-time basis. Services that were the public mental health and justice health services were accessible to Aboriginal people, although she acknowledged ‘absolutely up-front that for many Aboriginal people that is hard to access from a cultural perspective’. For this reason, she told the Elected Body, ‘we do try very hard with our Aboriginal liaison officers, and we have three of those within our division, one in the alcohol and drug service’.<sup>1026</sup>

10.117 Until recently, she said, the Aboriginal liaison officer in the drug and alcohol services was a female officer. She had gone on leave and ‘we are just replacing her’, but she ‘worked very closely with the community in a liaison role’, and with the clinical team and the two Aboriginal liaison officers previously mentioned. She said that their role was ‘very clearly to support people through that journey into our service from a cultural sensitivity perspective’.<sup>1027</sup>

1021 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.165.

1022 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.165.

1023 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.165.

1024 ATSIEB, *Proof Transcript*, 13 April 2017, pp.167–168.

1025 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.167.

1026 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.167.

1027 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.167.



- 10.118 The Executive Director told the Elected Body that from 'time-to-time' she looked 'at how many people identify as Aboriginal and Torres Strait Islander in our service'. In connection with Dhulwa, there were 'small numbers', but '33 per cent of people in Dhulwa were Aboriginal and Torres Strait Islander at that point'. In the alcohol and drug service 'about 10 per cent of the total client number' identified as Aboriginal and Torres Strait Islander. She said that when she looked 'at the numbers of people that those Aboriginal liaison officers are actively seeing at any point in time', it was 'about 150 people'.<sup>1028</sup>
- 10.119 She went on to say that 'the point to make in our public service is that we do not have a specific team as such that does Aboriginal health care', however 'we have got fairly well embedded linkages so that people can access the services'.<sup>1029</sup>

### **High staff turnover at the Aboriginal and Torres Strait Islander Unit at the Canberra Hospital**

- 10.120 In hearings, the Elected Body asked questions regarding high staff turnover at the Aboriginal and Torres Strait Islander unit at the Canberra Hospital. In particular, the Elected Body asked whether the Health Directorate was working toward a 'solution or strategy' to respond to concerns regarding high turnover of staff.<sup>1030</sup>
- 10.121 In responding, the Director, Allied Health Acute Support, Canberra Hospital and Health Services, told the Elected Body that:
- The Aboriginal and Torres Strait Islander liaison service is staffed by 3.28 FTE. At the time the question was posed, there were issues with unplanned leave and backfill. However, I can confidently state that our staffing has been stabilised.<sup>1031</sup>
- 10.122 In addition, he told the Elected Body, the Health Directorate was 'looking at a review of our model of care and looking at how our Aboriginal liaison officers interact with Winnunga and the community, as well as our colleagues in the mental health and justice services'. He also referred to the review of the model of care mentioned above. He said that the time frame for the review would be from the first week of May, 'with the review finishing in August and a report being tabled for the acting executive director of Canberra Hospital and Health Services', and that the Director-General would be briefed on the report.<sup>1032</sup>

### **Current status of the Aboriginal health plan**

- 10.123 In hearings, the Elected Body asked questions regard the current status of the Aboriginal health plan.<sup>1033</sup>
- 10.124 In responding, the Acting Executive Director, Policy and Stakeholder Relations told the Elected Body that:
- As you know, we have undertaken a health planning process. You have been involved in that. That is not being lost at all; we are not discarding that or jettisoning that in any way whatsoever. It is forming the foundation. What is important to think about is that it is a plan, and plans are just a tool to try and effect some kind of outcome. We want to make sure that the tool that we have is used in the most effective way possible.<sup>1034</sup>
- 10.125 He said that, in this regard, there were 'two major levers coming on that we want to influence'.<sup>1035</sup> The first of these was work toward the 'clinical services framework'. This entailed making some 'critical

1028 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.167.

1029 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.167.

1030 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.170.

1031 Mr Sam Lazarus, *Proof Transcript*, 13 April 2017, pp.170.

1032 Mr Sam Lazarus, *Proof Transcript*, 13 April 2017, pp.170.

1033 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.171–172.

1034 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.171.

1035 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.171.



decisions around how we embed Aboriginal and Torres Strait Islander care in all our work' and 'how we do it specifically when we need to target it'. The plan would 'inform that work'.<sup>1036</sup>

10.126 'The other major lever', he said, was the national Aboriginal and Torres Strait Islander health plan implementation plan. This, he said, would 'direct significant resources, in alcohol and other drug funding, mental health funding and a few other streams, into the territory'. In connection with this, it was 'important to make sure that we are maximising every dollar', and 'not duplicating any dollars'.<sup>1037</sup>

10.127 He said that the plan was intended to operate 'as a foundation to link in with those two key strategic opportunities', to 'make sure that we do not just dump a plan out there and put it on the shelf', but that it was 'highly-targeted' and 'specific'.<sup>1038</sup>

10.128 The Acting Executive Director told the Elected Body that he envisaged that plan would be 'retained as it is' and would 'inform all these processes', but, that it was important that there were 'some strategic, pointed objectives that we focus on this year, next year and the year after whilst we work on the system as a whole with the clinical services framework'. He said that in the middle of the year the directorate was 'hoping to solidify a few strategic objectives to focus on while we are doing that work' and would speak to the Elected Body about them, because the directorate did not 'want to stop' work informed by the plan.<sup>1039</sup>

## Elected Body comment

### Summary

#### Written responses

10.129 Written responses by the directorate to the Elected Body's generic questions provided details of the directorate's responsibilities in relation to Aboriginal and Torres Strait Islander people in the ACT.

10.130 These included:

- creation of 'a framework for organisational culture', claimed to enable 'Aboriginal and Torres Strait Islander peoples to access healthcare services in a culturally-sensitive manner'<sup>1040</sup>
- support of community-controlled organisations 'as partners in service delivery', such as Winnunga Nimmityjah Aboriginal Health Service and Gugan Gulwan Youth Aboriginal Corporation<sup>1041</sup>
- provision of a hospital-based Aboriginal and Torres Strait Islander Liaison Service which supported 'Aboriginal and Torres Strait Islander patients and their families'<sup>1042</sup>
- provision of an Alcohol and Other Drug Liaison Officer, who supported 'Aboriginal and Torres Strait Islander clients with case management, referral and advocacy when accessing alcohol and drug sector services'<sup>1043</sup>

1036 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.171.

1037 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.171.

1038 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.171.

1039 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, pp.171–172.

1040 ACT Health, Response to ATSIEB generic questions, April 2017, p.1.

1041 ACT Health, Response to ATSIEB generic questions, April 2017, p.1.

1042 ACT Health, Response to ATSIEB generic questions, April 2017, p.1.

1043 ACT Health, Response to ATSIEB generic questions, April 2017, p.1.



- provision of a Mental Health Aboriginal and Torres Strait Islander Liaison Officer 'to support liaison with services including: mental health teams, Aboriginal and Torres Strait Islander services, youth and adult medical services'<sup>1044</sup>
- provision of a Justice Health Aboriginal and Torres Strait Islander Liaison Officer, which was 'an Aboriginal and Torres Strait Islander identified position at the Dhulwa Mental Health Unit' to work with 'Aboriginal and Torres Strait Islander patients and detainees'<sup>1045</sup>
- provision of 'outreach health services for Aboriginal and Torres Strait Islander peoples in the ACT and surrounding region'<sup>1046</sup>
- provision of 'access to cultural awareness training to ACT Health staff'<sup>1047</sup>
- monitoring 'the progress of agreement commitments and providing input to whole-of-government discussions about practical implementation of the agreement'<sup>1048</sup>
- developing and implementing an *ACT Health Stretch Reconciliation Action Plan 2015–18*<sup>1049</sup>
- establishing the Ngunnawal Bush Healing Farm, 'which aims to improve health and social outcomes for Aboriginal and Torres Strait Islander people of our region recovering from alcohol and other drug dependence in a setting that enhances connection to culture'<sup>1050</sup>
- committing to 'working to reduce smoking rates amongst Aboriginal and Torres Strait Islander peoples in the ACT'<sup>1051</sup>
- engaging in 'information sharing and collaboration with non-government partners through participation in relevant joint committees'<sup>1052</sup>
- presence of 'a number of leadership and management programs to all staff seeking to develop their leadership and management capabilities'<sup>1053</sup>
- provision of the Health Promotions Grant Program had funded three Aboriginal and Torres Strait Islander projects in 2015–16 and 2016–17<sup>1054</sup>
- provision, in 2015–16, of 'one-off funding' for 'a range of smoking cessation initiatives specifically supporting Aboriginal and Torres Strait Islander peoples'<sup>1055</sup>
- provision of the Aboriginal and Torres Strait Islander Young Peoples Sexual Health Outreach project<sup>1056</sup>
- steps to ensure that 'the development of all new major policies and strategies includes a community consultation process' which included 'consultation with members of the Aboriginal and Torres Strait Islander community'<sup>1057</sup>
- the provision of the Aboriginal and Torres Strait Islander Health Unit as 'a core business area within the Policy and Stakeholder Relations branch'<sup>1058</sup>

1044 ACT Health, Response to ATSIEB generic questions, April 2017, p.2.

1045 ACT Health, Response to ATSIEB generic questions, April 2017, p.2.

1046 ACT Health, Response to ATSIEB generic questions, April 2017, p.2.

1047 ACT Health, Response to ATSIEB generic questions, April 2017, pp.1–2.

1048 ACT Health, Response to ATSIEB generic questions, April 2017, pp.2–3.

1049 ACT Health, Response to ATSIEB generic questions, April 2017, pp.2–3.

1050 ACT Health, Response to ATSIEB generic questions, April 2017, pp.2–3.

1051 ACT Health, Response to ATSIEB generic questions, April 2017, pp.2–3.

1052 ACT Health, Response to ATSIEB generic questions, April 2017, p.3.

1053 ACT Health, Response to ATSIEB generic questions, April 2017, p.5.

1054 ACT Health, Response to ATSIEB generic questions, April 2017, pp.6, 7.

1055 ACT Health, Response to ATSIEB generic questions, April 2017, p.7.

1056 ACT Health, Response to ATSIEB generic questions, April 2017, p.7.

1057 ACT Health, Response to ATSIEB generic questions, April 2017, p.7.

1058 ACT Health, Response to ATSIEB generic questions, April 2017, p.8.



- provision of 'the highest level of state/territory government service support in the country', on 'healthcare and programs supporting healthy lives to Aboriginal and Torres Strait Islander people in the ACT, 'on average per person'<sup>1059</sup>
- provision of the ACT Health Aboriginal and Torres Strait Islander Health Workforce Support Network<sup>1060</sup>
- a formal commitment to 'provide Aboriginal and Torres Strait Islander Cultural Awareness Training for all staff', by way of the *ACT Health Aboriginal and Torres Strait Islander Health Workforce Action Plan 2013–18* and the *ACT Health Stretch Reconciliation Action Plan 2015–18*.<sup>1061</sup>

## Responses in hearings

10.131 Matters which were considered in some detail in hearings included the following.

10.132 In relation to new programs and services,<sup>1062</sup> the Elected Body and representatives of the directorate discussed, among other things, new and extension of existing programs in specialist drug services, particularly in connection with methamphetamine use;<sup>1063</sup> and the planned construction of a new community health clinic for Winnunga.<sup>1064</sup>

10.133 In relation to attempts to measure success,<sup>1065</sup> the Elected Body and representatives of the directorate discussed, among other things, this as a 'difficult field, and the need for research-based objectives for health programs;<sup>1066</sup> correlations between smoking during pregnancy, low birth-weight babies, and susceptibility to chronic disease later in life for those babies;<sup>1067</sup> and similar correlations between ear health, educational outcomes, and contact with the criminal justice system.<sup>1068</sup>

10.134 In relation to the Secure Mental Health Unit, and whether a comprehensive assessment plan for Aboriginal detainees at the Unit or at the AMC,<sup>1069</sup> the Elected Body and representatives of the directorate discussed, among other things:

- mental-health assessments of detainees at the AMC within 24 of their arrival<sup>1070</sup>
- transfers from the AMC the Secure Mental Health Unit<sup>1071</sup>
- advice that 'anybody in the service system, at AMC corrections', could refer detainees for assessment, including the Forensic Mental Health Team and Aboriginal and Torres Strait Islander liaison officers<sup>1072</sup>
- the use of Aboriginal liaison officers in managing Aboriginal and Torres Strait Islander detainees with mental health problems.<sup>1073</sup>

<sup>1059</sup> ACT Health, Response to ATSIEB generic questions, April 2017, p.8, citing Productivity Commission, 2014, *Indigenous Expenditure Report*.

<sup>1060</sup> ACT Health, Response to ATSIEB generic questions, April 2017, p.9.

<sup>1061</sup> ACT Health, Response to ATSIEB generic questions, April 2017, p.10.

<sup>1062</sup> ATSIEB, *Proof Transcript*, 13 April 2017, p.157 ff.

<sup>1063</sup> Ms Nicole Feely, *Proof Transcript*, 13 April 2017, p.157.

<sup>1064</sup> Ms Nicole Feely, *Proof Transcript*, 13 April 2017, p.157.

<sup>1065</sup> ATSIEB, *Proof Transcript*, 13 April 2017, pp.158–161.

<sup>1066</sup> Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.158.

<sup>1067</sup> Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.158.

<sup>1068</sup> Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.158.

<sup>1069</sup> ATSIEB, *Proof Transcript*, 13 April 2017, pp.162–164.

<sup>1070</sup> Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.163.

<sup>1071</sup> Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.163.

<sup>1072</sup> Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.163.

<sup>1073</sup> Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.164.



- 10.135 In relation to Aboriginal health workers,<sup>1074</sup> the Elected Body and representatives of the directorate discussed, among other things, advice that ACT Health had ‘entered into negotiations with the New South Wales ministry to obtain their consent to use their definition of an Aboriginal health worker’.<sup>1075</sup>
- 10.136 In relation to Indigenous mental health services,<sup>1076</sup> the Elected Body and representatives of the directorate discussed, among other things, funding by ACT Health of positions in the Social Wellbeing Team at Winnunga.<sup>1077</sup>
- 10.137 In relation to high turnovers of staff at the Aboriginal and Torres Strait Islander Unit at the Canberra Hospital,<sup>1078</sup> the Elected Body and representatives of the directorate discussed, among other things, challenges with unplanned leave and backfilling positions, and advice that staffing had been ‘stabilised’.<sup>1079</sup>
- 10.138 In relation to the current status of the Aboriginal health plan,<sup>1080</sup> the Elected Body and representatives of the directorate discussed, among other things, was work toward the ‘clinical services framework’;<sup>1081</sup> and effects of the implementation of the National Aboriginal and Torres Strait Islander Health Plan, which would ‘direct significant resources, in alcohol and other drug funding, mental health funding and a few other streams’, into the territory.<sup>1082</sup>

## Elected Body views and recommendations

- 10.139 The Elected Body notes the importance of the work done by the Health Directorate for the safety and wellbeing of the Aboriginal and Torres Strait Islander community in the ACT.
- 10.140 In previous chapters, the Elected Body has noted the importance of attending to ‘pressure points’, such as drug and alcohol misuse, in achieving better outcomes for Aboriginal and Torres Strait Islander people in the ACT.
- 10.141 The Elected Body is encouraged by evidence from ACT Health showing that it is applying a focus to this area, and that the directorate is strongly engaged with community-based Aboriginal and Torres Strait Islander organisations which are able to provide culturally-appropriate front-line health services to Aboriginal and Torres Strait Islander people in the ACT.
- 10.142 Sadly, as for a number of the other areas considered in previous chapters, health is an area where Aboriginal and Torres Strait Islander people often have high levels of contact with services and programs. The Elected Body considers it important that ACT Health continue its efforts to attract and retain Aboriginal and Torres Strait Islander staff, and to expand their presence within the health system, so that Aboriginal and Torres Strait Islander people are able to feel culturally safe in their contact with that system, and make full use of that system to prevent future harms.
- 10.143 Of course a further benefit, if this staffing is maintained and expanded, is that there will be an increasing number of people in the Aboriginal and Torres Strait Islander community in the ACT Health with higher levels of health literacy: both as a result of professional involvement by some individuals, and as the

1074 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.164–166.

1075 Ms Patricia O’Farrell, *Proof Transcript*, 13 April 2017, p.164.

1076 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.167–168.

1077 Ms Katrina Bracher, *Proof Transcript*, 13 April 2017, p.167.

1078 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.170.

1079 Mr Sam Lazarus, *Proof Transcript*, 13 April 2017, pp.170.

1080 ATSIIEB, *Proof Transcript*, 13 April 2017, pp.171–172.

1081 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.171.

1082 Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.171.

result of a better relationship between Aboriginal and Torres Strait Islander clients and the health system, resulting in better information flows and more effective health education initiatives.

- 10.144 As noted by officers from the directorate, better health outcomes have implications across the board, including in supporting higher levels of educational achievement and reducing contact with the criminal justice system.<sup>1083</sup>
- 10.145 This, again, reinforces the importance accorded by the Elected Body, in this report, to ensuring that the Outcomes Reporting Framework for the whole-of-government Aboriginal and Torres Strait Islander agreement is an effective accountability mechanism, showing where government agencies are—or are not—performing in accordance with the agreement and supporting adjustments of process to further the agreement's objectives.
- 10.146 In underscoring this yet again, as it has elsewhere in this report, the Elected Body notes that in the ACT, and elsewhere in Australia, the challenges faced by Aboriginal and Torres Strait Islander people are multi-factorial. Too often government has succumbed to paralysis—or worse—in the face of connected challenges which are, admittedly, complex. It has not been uncommon for government processes, themselves, to frustrate programs which would have helped Aboriginal and Torres Strait Islander people gain the kind of self-reliance that many governments have prescribed for them as a panacea.
- 10.147 The ACT, in the view of the Elected Body, has a chance to do things differently: because of its small geographical size, small numbers, and political climate which has been, over recent years, comparatively more favourable to the cause of improving the lot of Aboriginal and Torres Strait Islander people in the ACT.
- 10.148 With the advent of the ACT Aboriginal and Torres Strait Islander Agreement as an instrument and focus for doing things better, and the accountability mechanisms built into the agreement, we may have an opportunity to address challenges which have persisted over quite some time.
- 10.149 In the view of the Elected Body, In spite of the very real difficulties which we encounter, there is room for cautious optimism, in which we can hope for incremental improvement in the situation of Aboriginal and Torres Strait Islander people in the ACT.

<sup>1083</sup> Mr Matthew Richter, *Proof Transcript*, 13 April 2017, p.158.

## APPENDIX A WITNESSES

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In order of appearance:

### Hearings of 12 April 2017

#### **Chief Minister, Treasury and Economic Development Directorate:**

- Mr David Nicol, Under Treasurer
- Ms Bronwen Overton-Clarke, Deputy Director-General, Workforce Capability and Governance Division
- Ms Judi Childs, Director, Public Sector Management Branch, Workforce Capability and Governance Division
- Mr Sam Engele, Director, Policy and Cabinet

#### **Community Services Directorate:**

- Mr Michael De'Ath, Director-General
- Mrs Bernadette Mitcherson, Deputy Director-General
- Ms Maureen Sheehan, Executive Director, Strategy, Participation and Early Intervention
- Dr Mark Collis, Executive Director, Child and Youth Protection Services
- Ms Helen Pappas, Senior Director, Child and Youth Protection Services
- Ms Melanie Saballa, Director, Child Development and Family Programs
- Mr Frank Duggan, Senior Director/Chief Operating Officer, Housing and Community Services ACT

#### **Environment and Planning Directorate:**

- Mr Gary Rake, Deputy-Director-General and Coordinator General, Parking
- Dr Annie Lane, Executive Director, Environment
- Mr Daniel Iglesias, Director, ACT Parks and Conservation Service
- Mr Tony Carmichael, Executive Director, Strategic Planning
- Ms Deb Melaluca, Partnership Coordinator, Indigenous Programs
- Ms Mary Mudford, Manager, Healthy Country

### Hearings of 13 April 2017

#### **Education and Training Directorate:**

- Ms Natalie Howson, Director-General
- Ms Meg Brighton, Deputy Director-General, School Performance and Support Division
- Ms Jacinta Evans, Director, Student Engagement
- Ms Coralie McAlister, Director, Strategy Policy and Reform
- Mr Robert Gotts, Director, Planning and Analytics
- Mr Jason Borton, Learning and Teaching Branch
- Ms Beth Craddy, Manager, Aboriginal and Torres Strait Islander Education

**Justice and Community Safety Directorate:**

- Ms Alison Playford, Director-General
- Mr David Pryce, Acting Director-General
- Ms Julie Field, Acting Deputy Director-General
- Mr Oliver Kickett, Manager, Social Justice, Justice Planning and Safety Programs
- Ms Amanda Lutz, Manager, Restorative Justice Unit, Legislation, Policy and Programs
- Ms Jo Wood, Coordinator General, Family Safety
- Mr John Hinchey, Victims of Crime Commissioner
- Mr Trevor Higgs, Senior Convenor, Restorative Justice Unit
- Dr Nova Inkpen, Senior Policy Officer, Justice Reinvestment

**ACT Corrective Services:**

- Mr Don Taylor, Acting Executive Director
- Mr Mark Bartlett, Senior Manager, Offenders Services and Corrections Programs
- Ms Sharon Ingram, Aboriginal Client Support Officer, Community Corrections
- Mr Victor Martin, General Manager, Community Corrections

**ACT Policing:**

- Assistant Commissioner Justine Saunders, Chief Police Officer
- Commander Mark Walters, Deputy Chief Police Officer

**ACT Human Rights Commission:**

- Dr Helen Watchirs, President and Human Rights Commissioner

**Transport Canberra and City Services Directorate:**

- Mr Ben Ponton, Acting Director-General
- Mr Gordon Elliott, Director, Chief Finance Officer
- Mr Duncan Edghill, Deputy Director-General, Transport Canberra
- Mr Ian McGlenn, Director, Public Transport Operations
- Mr Scott Lyall, Executive Director, Procurement and Delivery, Transport Canberra Light Rail

**Health Directorate:**

- Ms Nicole Feely Director-General
- Ms Katrina Bracher, Executive Director, Mental Health, Justice Health and Alcohol and Drug Services
- Ms Patricia O'Farrell, Executive Director, People and Culture
- Mr Matthew Richter, Acting Executive Director, Policy and Stakeholder Relations
- Ms Mary Wood, Executive Director, Strategy and Design
- Mr Sam Lazarus, Director, Allied Health Acute Support, Canberra Hospital and Health Services

## APPENDIX B QUESTIONS TAKEN ON NOTICE AND QUESTIONS ON NOTICE



No.	Hearing date	Directorate or agency	QToN/ QoN	Date answered	Subject
1	12/4/17	CMTEDD	QToN	28/4/17	ANZSOG—How many Aboriginal and or Torres Strait Islander employees in the program?
2	12/4/17	CSD	QToN	12/5/17	What is being done to meet the actions from the implementation of the <i>ACT Aboriginal and Torres Strait Islander Agreement 2015–18</i> ?
3	12/4/17	CSD	QToN	10/5/17	Why did CSD disband the Aboriginal and Torres Strait Islander unit which looked after care and protection needs?
4	12/4/17	CSD	QToN	4/5/17	Of the 2069 children who accessed services through the Child Development Service over the last 12 months, how many of those children were Aboriginal and Torres Strait Islander?  Can you provide an overview of Child Development Services programs that focus on Aboriginal and Torres Strait Islander children and families?
5	13/4/17	JACS	QToN	29/6/17	At the last hearing in 2015 you identified that there would be annual progress reports against the Justice Partnership and these would be provided to the Minister. Has this occurred for the 14–15 and the 15–16 reporting periods? If not can you provide us with a timeframe?
6	13/4/17	JACS	QToN	21/4/17	In relation to the decrease in the number of cautions issued you stated it is because criteria for cautions are not being met. Can you provide the Elected Body with a copy of the Eligibility Criteria for cautions and would you consider reviewing the criteria?
7	13/4/17	JACS	QToN	21/4/17	In relation to the Royal Commission into Aboriginal Deaths in Custody. What processes has ACT Policing adopted to address recommendations from the Royal Commission into Aboriginal Deaths in Custody?
8	13/4/17	JACS	QToN	15/5/17	In relation to the <i>Second Implementation Plan 2016–17—Violence Against Women</i> , have you developed policies or manuals for frontline staff so they are aware of their responsibilities when dealing with family violence matters. If not, why not and when will this be done?



No.	Hearing date	Directorate or agency	QToN/ QoN	Date answered	Subject
9	13/4/17	JACS	QToN	10/5/17	In relation to the <i>Second Implementation Plan 2016–17—Violence Against Women</i> , in consultation with AFP can you advise if the pilot program for the 24/7 support line for men at risk of using violence has commenced? If not what is the timeframe?
10	13/4/17	JACS	QToN	1/5/17	Can you provide the Elected Body with details of the current oversight bodies for the AMC?
11	13/4/17	JACS	QToN	1/5/17	At the 2015 Elected Body Hearings, the Commissioner advised of strategies to increase the statistics for volunteers who identify as Aboriginal and Torres Strait Islander as volunteers. What steps have been taken to address this?
12	13/4/17	JACS	QToN	24/4/17	At the 2015 Elected Body Hearings you advised of ACTCS intention to expand the number of organisations you work with in relation to Community Orders. Has this occurred? If not what are you doing to address this issue?
13	13/4/17	JACS	QToN	24/4/17	What impact have Intensive Corrections Orders had on the Aboriginal and Torres Strait Islander community? Can you provide overall numbers and specific numbers for Aboriginal and Torres Strait Islander people who have undertaken Intensive Corrections Orders?
14	13/4/17	JACS	QToN	24/4/17	What processes has ACT Corrective Services adopted in relation to the recommendations from the Royal Commission into Aboriginal Deaths in Custody?... Can you provide a copy of ACTCS formal response to the Elected Body?
15	13/4/17	JACS	QToN	21/4/17	Re. Human Rights Commission. Which Key Performance Indicators of your Reconciliation Action Plan are specifically aligned to the <i>Aboriginal and Torres Strait Islander Agreement 2015–18</i> ?
16	13/4/17	JACS	QToN	24/4/17	Can you provide the Elected Body with statistics for participation rates for Aboriginal and Torres Strait Islander people in Victims of Crime programs? What outcomes have been achieved?... Of the 11 people who have participated can you review the cases to provide the Elected Body with the outcomes achieved?



No.	Hearing date	Directorate or agency	QToN / QoN	Date answered	Subject
17	13/4/17	TCCS	QToN	9/5/17	Canberra Metro has a 10 per cent diversity target for jobs. Can TCCS provide a per centage and number that make up the local Aboriginal and Torres Strait Islander community workforce?
18	13/4/17	TCCS	QToN	9/5/17	TCCS to provide the number of staff members that are Aboriginal or Torres Strait Islander people and the number that are female within TCCS.
19	13/4/17	TCCS	QToN	9/5/17	In relation to the qualifying age for Aboriginal and Torres Strait Islander people for the seniors card. The life expectancy of Aboriginal and Torres Strait Islander people is significantly less than non-Indigenous. Has there been consideration of lowering the qualifying age?



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