

2021

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

**ACT Aboriginal and Torres Strait Islander Elected Body –
Report on the Outcomes of the ATSIEB Hearings 2020 Tenth Report to the
ACT Government**

Government Response

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February 2021**

Contents

Introduction	3
Government Response	3
A. Work together	4
B. Focus on Outcomes	5
C. Measure It	5
D. Co-Design	6
Recommendations: ACT Agreement Focus Areas	7
Priority Targets	7
Priority Actions – Core Focus Areas	7
1. Children and Young People.....	7
2. Community Leadership	9
3. Cultural Integrity	9
4. Inclusive Community.....	10
Priority Actions – Significant Focus Areas	11
5. Connecting the Community	11
6. Life Long Learning	11
7. Economic Participation	12
8. Health and Wellbeing.....	13
9. Housing	14
10. Justice.....	14
Summary	15

Introduction





On 29 September 2020, all ACT Government Directors-General received the ACT Aboriginal and Torres Strait Islander 2020 Hearings Report (the Hearings Report) due to the ACT Government being under Caretaker Arrangements at this time.

The Hearings Report is the ACT Aboriginal and Torres Strait Islander Elected Body's (the Elected Body) annual report on how the ACT Government is tracking against Phase One priority actions and targets under the *ACT Aboriginal and Torres Strait Islander Agreement 2019-2028* (the ACT Agreement).

The ACT Agreement has 80 targets and indicators that are monitored and reported against. The most recent annual report – the *2019 Annual Report: ACT Aboriginal and Torres Strait Islander Agreement 2019-2028* – was tabled in the ACT Legislative Assembly in April 2020.

In the Hearings Report, the Elected Body has attributed a status to each target and made recommendations against priority actions drawing on information from the Hearings process held in March 2020 and ongoing work of Members with directorates.

The Elected Body's score card uses the following status indicators:

Icon	Status	What this means
	No data	No data is available for the 2019 period. This may be because some reporting is on a triennial cycle, or in the case of Census information, every five years.
	Positive progress	Based on the information provided by the directorates, the Elected Body is satisfied that it is likely that the target will be reached.
	In progress	Information provided by the directorates demonstrates that there has been tangible process and the Elected Body consider it possible that the Agreement target will be reached.
	No progress/ not discussed	There is little to no demonstrated evidence that there has been progress against this target. The issue was not raised within the program of Hearings.

Government Response

The Hearings Report makes the following overarching recommendations for all directorates to adopt when implementing their actions and reporting on the impact these have made on the ACT Agreement outcomes.

- A. **Work together** — Directorates need to work together in a spirit of collaboration to achieve outcomes, rarely are outcomes for our community achieved through the efforts of just one directorate. We will expect a key area of whole of government focus to be on addressing systemic racism.

- B. **Focus on outcomes** — Focus energy on things that make a difference by being clear on program intent and outcomes.
- C. **Measure it** — Make sure that there are reasonable baselines and data to back progress and change.
- D. **Co-design** — Talk to the right people and use our time fairly — pay for time.

The ACT Government **agrees** to the overarching recommendations and in response, is accelerating effort on those actions requiring collaboration across directorates and with the potential to positively impact individuals and families.

A. Work together

The ACT Government is increasing its focus, investment and prioritisation within directorates to purposefully drive implementation of the actions. This includes eight ACT Government Executives tasked with leading each action and working collaboratively across government to deliver tangible results by December 2020 and March 2021.

The following priority areas have been identified for accelerated effort:

- **Addressing Systemic Racism** – Reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander people within government systems.
- **Mandatory Reporting** – Significant and sustained progress to eliminate the over-representation of Aboriginal and Torres Strait Islander children and young people in out-of-home care.
- **Cultural Integrity** – Embed the requirement for all services to be culturally appropriate and accessible. Demonstrate cultural proficiency of ACT Government.
- **Recruitment and Retention** – Increase the number of Aboriginal and Torres Strait Islander people in senior positions across the ACT Public Service by 2021. Increase the number of Aboriginal and Torres Strait Islander employees across the ACT Public Service and non-government services.
- **Procurement** – Increase the number of contracts awarded to Aboriginal and Torres Strait Islander businesses. Increase the value of procurements from Aboriginal and Torres Strait Islander businesses.
- **Supporting the growth of Aboriginal and Torres Strait Islander Community Controlled Organisations** – Increase the number of Aboriginal and Torres Strait Islander community-controlled organisations and management committees.

In addition to strengthening collaboration across government, the ACT Government reaffirms its commitment to the Relationship Principles and to the principle of Self-Determination included in the ACT Agreement. The ACT Government will strive to develop long-term sustainable relationships with the ACT Aboriginal and Torres Strait Islander community. Key to this is Aboriginal and Torres Strait Islander cultural knowledge, history, lived experience and connection to community and Country being at the forefront of the delivery of services, programs and policies.

B. Focus on Outcomes

Working across government and in partnership with the Elected Body is critical to achieving outcomes under both the ACT Agreement and the National Agreement on Closing the Gap. An important element of a positive partnership between the Elected Body and directorates is trust, built through integrity and visibility of genuine efforts to improve outcomes. Strengthening reporting with a line of sight to intent and outcomes will support an authentic and genuine partnership with the Elected Body and the Aboriginal and Torres Strait Islander community. The ACT Government is taking this approach to the Agreement Phases commencing with the extension to Phase One to December 2021.

ACT Government directorates will provide evidence to the Elected Body as a demonstration of progress made on their Phase One actions to inform shared decision making in allocating a status using the Elected Body score card. Once a status has been given to an action, the directorates will work with Elected Body representatives to negotiate further actions to form the Phase One Extension Action Plan. This partnership approach to reporting and development of Action Plans means the Aboriginal and Torres Strait Islander community's lived experience is a factor in reporting on outcomes achieved under the ACT Agreement.

C. Measure It

The ACT Government agrees that using data, including baselines, to measure progress against agreed outcomes is an important goal. We also see value in the use of case studies to provide evidence of achievements, particularly where these are difficult to measure.

We acknowledge the Elected Body's disappointment with the time it has taken to develop the Outcomes Framework and are confident that this complex work, which is nearing completion, will be an effective framework for measuring impact. The Framework, together with the logic model that underpins it, represents a new way of working across the ACT Government and will support robust data-based reporting and data development.

The development of a framework to measure and report annually on progress across government, over a ten-year period, is challenging regardless of the size of the jurisdiction. In addition, some elements of the framework could not be completed prior to finalisation of the National Agreement on Closing the Gap.

Considerable progress has been made on the Outcomes Framework since the Elected Body Hearings in March 2020. Members of the Inter-Directorate Committee on Aboriginal and Torres Strait Islander Affairs and the respective subcommittee of the ACT Government Strategic Board, including representatives of the Elected Body, have been provided with regular advice on the work being undertaken. The Elected Body have, separately, also been given the opportunity to provide input to the Outcomes Framework.

Critical to progress of the Framework has been the finalisation of the National Closing the Gap Agreement in July 2020, which has enabled targets in the ACT Agreement to be reconsidered. These targets are central to the development of the Outcomes Framework and how we measure and report on progress.

Baselines for many targets in the National Agreement have been drawn from the Census of Population and Housing which is conducted every five years. Each directorate has worked to identify proxy indicators that can be measured on an annual basis to provide an indication of performance against agreed targets. This has been a complex process and has required

working through a number of data issues including those related to the reliability of small population data sets.

The ACT Government recognises the data challenges experienced to date and acknowledges that, throughout the Hearings Report, the Elected Body has suggested areas for data development to support their expectations of the level of reporting required against Priority Targets. An example of this is the Elected Body has requested data from across the child protection system to better understand the specific changes taking place. The Elected Body has also identified the need to provide data and baselines to monitor progress in early childhood development. Both requests are being considered in the context of the Outcomes Framework.

The Elected Body's offer to use data from the Hearings Report is appreciated and that data is being assessed. We are also looking to incorporate the score card symbols used in the Hearings Report to provide an 'at-a-glance' indication of progress against targets.

D. Co-Design

The ACT Government is a party to the National Agreement on Closing the Gap and member of the Joint Council on Closing the Gap. The Elected Body is the Coalition of Peaks ACT representative. It is the ACT Government's responsibility to work in a way that aligns with the principles, arrangements and priority reforms outlined in the Partnership Agreement and National Agreement on Closing the Gap. Two key objectives from these Agreements are shared decision-making arrangements on Closing the Gap for the next ten years; and the four National Agreement Priority Reforms to change the way governments work, new government accountability measures, and shared monitoring and implementation arrangements.

The Elected Body recognised that directorates are using co-design processes to engage with the Aboriginal and Torres Strait Islander community, however raised the concern that the ACT Government has not demonstrated or has only made limited progress against the target on 'meaningfulness of engagement and self-determination' similar to the *Our Booris, Our Way* Review.

The ACT Government is committed to delivering equitable life outcomes through self-determination and understands the need to go beyond co-design processes. As a government and member of the Closing the Gap reforms we are listening and learning from our existing work in the current range of governance/advisory group and co-design processes. Directorates are being guided by these groups and the Elected Body on better understanding the barriers to embedding self-determination in the way we engage with Community.

The parties to Closing the Gap recognise that working in partnership with Aboriginal and Torres Strait Islander peoples and governments will evolve and mature over the life of the National Agreement. This is also an important consideration for parties to the ACT Agreement, moving forward in the relationship between the ACT Government and the Elected Body and community. A partnership health check, similar to the national Partnership Agreement Health Check, can support continual improvements in the ACT partnership and be reported on through the ACT Agreement Annual Report.

The Partnership Agreement on Closing the Gap Clause 36 states *"The Parties will endeavour in the spirit of co-operation, good faith, and mutual trust to resolve any difficulties or misunderstandings with respect to the Partnership Agreement."* It is this spirit of

partnership that is important going forward on progressing the outcomes set out in the ACT Agreement.

Recommendations: ACT Agreement Focus Areas

This ACT Government response addresses the Focus Area Recommendations in the Hearings Report from a whole of government perspective and is taking action to: work collaboratively to achieve outcomes; be clear about the intent of outcomes of services and programs delivered; present relevant data when presenting progress to the Aboriginal and Torres Strait Islander community; and continue to improve the way we work with the community.

Priority Targets

The ACT Government **notes** the status of targets attributed by the Elected Body, in particular those 'In Progress' and 'Positive Progress' under all Focus Areas where information provided by the directorates demonstrates tangible progress and the Elected Body consider it possible the ACT Agreement targets will be reached.

Of the 21 Priority Targets with a status of 'No Data', 14 targets were not raised or discussed at the Hearing in March 2020. Of the remaining seven targets the Elected Body provided suggested data sources and/or guidance on implementation which the ACT Government is assessing in the context of the Outcomes Framework and annual reporting strategy.

There are eight Priority Targets where there was little to no demonstrated evidence provided to the Elected Body on progress made against the target and were not raised within the program of Hearings. The Elected Body attributed the status of 'No Progress/not Discussed' to these targets and these will be addressed in the Focus Area Priority Actions.

Priority Actions – Core Focus Areas

The ACT Government welcomes the Elected Body's acknowledgment and recognition of Priority Actions that directorates have progressed and demonstrated tangible achievement against to date, such that the Elected Body considers it possible that the ACT Agreement targets will be reached.

In the Elected Body Report the use of the term recommendation can be used to mean the following:

- Recommendation
- Commendation
- Commentary

In this response to the Report the ACT Government has agreed or agreed in principle to any recommendations that infer action on behalf of Government and noted any recommendations that infers commendation or commentary for consideration in progressing action.

1. Children and Young People

The Priority Actions and Targets under the Children and Young People Action Plan aim for Aboriginal and Torres Strait Islander children and young people to grow up safely and thrive in their families and communities.

The Elected Body made recommendations against all 13 Priority Actions in the Children and Young People Action Plan. The ACT Government **agrees** to five recommendations and **notes** the comments made by the Elected Body in eight recommendations.

The ACT Government **agrees** to two recommendations relating to all directorates' responsibility in implementation of the *Our Booris, Our Way* recommendations, and mandatory reporting as critical input to the child protection system. The ACT Government is responding to these concerns through the accelerated work on Mandatory Reporting.

The Government will continue to implement the 28 recommendations of the *Our Booris, Our Way* review. The 2020-21 Budget provides ongoing support for the Implementation Oversight Committee, which will monitor progress of the recommendations of the review.

The ACT Government acknowledges that understanding Aboriginal and Torres Strait Islander families' experiences of the mandatory reporting process will assist in developing a more culturally appropriate response that focuses on access to early support services rather than a statutory response. The ACT Government is working collaboratively across directorates to gain this understanding from families, as well as drawing upon the outcomes of numerous consultations that have already occurred with the ACT Aboriginal and Torres Strait Islander community.

The ACT Government **agrees** to the recommendation on monitoring of the three-year-old Koori pre-school program attendance. Under the ACT Early Childhood Strategy, the ACT Government has made a commitment to work with the Aboriginal and Torres Strait Islander community to make sure Koori Preschool is meeting the intended need. The first year of the three-year program will be monitored to ensure that families receive the relevant supports needed to support attendance.

The ACT Government **notes** three recommendations acknowledging the work undertaken by Libraries ACT in showcasing Aboriginal and Torres Strait Islander authors and stories and the use of Nggunawal language; Education Directorate on the work to give Aboriginal and Torres Strait Islander students a voice; and EPSDD in championing programs that allow On-Country cultural learning to occur. The ACT Government welcomes the Elected Body guidance provided in these recommendations on future work by directorates, noting the importance of connection to Country and On-Country learning and furthering student voices within the education system.

The Elected Body made two recommendations on Priority Actions in relation to commitments to work with the Aboriginal and Torres Strait Islander community and their representatives on actions required following the formal acknowledgement and acceptance of the *We Don't Shoot Our Wounded* Report. The ACT Government **agrees** to these recommendations and that there is increased investment to support the Aboriginal and Torres Strait Islander community to progress action in this area.

Of the four remaining recommendations, two recommendations are **noted** where the Elected Body made general comments on Priority Actions not raised or discussed at the Hearings. The ACT Government has also **noted** two recommendations relating to targeted commitments for Aboriginal and Torres Strait Islander children and young people at risk of entering the child protection system.

The Government has also committed funding in 2020-21 for the continuation of existing frontline services, including the Family Group Conferencing Program and Family Finding. Funding has been allocated to complete the Concept Design Phase of a new purpose-built facility for the Gugan Gulwan Youth Aboriginal Corporation to deliver future services to Aboriginal and Torres Strait Islander children, young people and families.

2. Community Leadership

Of the eight Priority Actions in the Community Leadership Action Plan, the Elected Body made six recommendations. The ACT Government **notes** four recommendations relating to recognition of the cultural expertise of Traditional Owners; all directorates share in the ACT Agreement vision and support in a pragmatic way; ways to increase Aboriginal and Torres Strait Islander representation on boards and committees; and residential rehabilitation services. The Elected Body's strong support for amendments to the ACT Nature Conservation Act 2014 and Fisheries Act 2000 as 'first steps' are acknowledged and appreciated by the ACT Government.

The ACT Government **agrees** to the two recommendations relating to translating the voice of Aboriginal and Torres Strait Islander peoples into tangible outcomes, recognising that this process of translation can take a considerable period of time and is not necessarily visible to the community. By strengthening the way that we work with the Elected Body and other groups we will focus on providing updates on progress and evidence of action being taken to deliver on outcomes.

The ACT Government **notes** the recommendation on residential rehabilitation services. In late 2019 the ACT Health Directorate funded Winnunga Nimmityjah Aboriginal Health and Community Services to scope a model of care for a culturally appropriate residential rehabilitation facility. The drafting and consultation phase of the model of care has been impacted by the 2020 Bushfires and COVID-19.

3. Cultural Integrity

Of the eleven Priority Actions in the Cultural Integrity Action Plan, the Elected Body made seven recommendations addressing what they would consider positive outcomes for the Aboriginal and Torres Strait Islander community. The ACT Government **notes** three recommendations that acknowledge the progress made by directorates on priority actions related to the Treaty process, Traditional Custodian Caring for Country Council and raising the Ngunnawal cultural values in training on cultural sites/assets identification. The Government **agrees-in-principle** to other directorates strongly considering ways to follow the lead of Environment, Planning and Sustainable Development Directorate (EPSDD) in raising the Ngunnawal cultural values. The ACT Government also **notes** the recommendation emphasising the need for consistency in the implementation of Cultural Standards and Protocols across directorates.

The ACT Government **agrees** to the recommendation of Traditional Custodians and the broader Aboriginal and Torres Strait Islander community's aspirations being reflected in a systemic fashion that recognises self-determination. The ACT Government has an opportunity to work with the Elected Body in the development of the Agreement Phase One extension to further refine current priorities and incorporate these aspirations into future priorities.

A Reconciliation Action Plan is a framework that directorates use to guide progress towards the five-dimensional elements of reconciliation: Race Relations, Equality and Equity, Institutional Integrity, Unity and Historical Acceptance. The ACT Government **agrees** to the Elected Body's recommendation on the importance of engagement of directorates' Aboriginal and Torres Strait Islander staff in the development of a RAP and would extend this recommendation to cover ongoing monitoring throughout the implementation phase.

The ACT Government **agrees** to look at ways to demonstrate growth in cultural proficiency and how the increase has contributed to change in legislation and policy, government process, or direction.

The Elected Body highlighted the outstanding work of EPSDD working with traditional custodians, in particular the cultural integrity demonstrated through the preservation of culturally significant sites during the fires in Namadgi National Park in January 2020. The Elected Body also recognised the significant effort and way of working to embed self-determination to guide and support on-Country practices and seeking Traditional Custodian views on a range of programs.

There is one Priority Target with the status of 'No Progress/not Discussed'. The Elected Body recognised that directorates are using co-design processes to engage with the Aboriginal and Torres Strait Islander community however raised the concern that the ACT Government is less receptive to establishing mechanisms to support self-determination such as those used to undertake the *Our Booris Our Way Review*.

The ACT Government is committed to delivering equitable life outcomes through self-determination and understands the need to go beyond co-design processes. The implementation of the proposed Healing and Reconciliation Fund will provide a partnership with the local Aboriginal and Torres Strait Islander community to deliver on the priorities identified in the ACT Agreement. The 2020-21 Budget will provide funding to support the establishment of the Healing and Reconciliation Fund.

4. Inclusive Community

The Priority Actions and Targets in the Inclusive Community Action Plan aim to foster a self-determined and inclusive community where Aboriginal and Torres Strait Islander peoples are valued, respected and experience a life free of racism and systemic discrimination.

The Elected Body has attributed a status of 'No Progress/not Discussed' to the target to: *Reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander people within government systems*. The Elected Body acknowledges every directorate demonstrated they had regular mechanisms for lodging grievances and complaints however, there were no independent and culturally appropriate pathways for raising issues of racism and discrimination. The Elected Body has indicated in the Hearings Report for each directorate to implement mechanisms to measure and monitor the incidents of racism and discrimination against Aboriginal and Torres Strait Islander peoples. The ACT Government **agrees** to this recommendation and is responding through the accelerated work in priority area Addressing Systemic Racism.

The Elected Body has attributed a status of 'No Progress/not Discussed' to the Priority Target related to the Government's approach to community engagement. The Elected Body acknowledges there are several co-design forums across the ACT Government, however the government should broaden engagement with the Aboriginal and Torres Strait Islander community and focus on self-determination. The ACT Government **agrees** to this recommendation.

Of the 11 Priority Actions in the Inclusive Community Action Plan, the Elected Body has made three recommendations. The ACT Government **notes** two recommendations related to the continuing commitment to use Ngunnawal Language in official/informal settings as way of preserving and sharing a connection to Ngunnawal culture and land. The Elected

Body also challenged directorates to be bold in the development of RAPs in how Aboriginal and Torres Strait Islander culture can be recognised, understood and shared in both the identity and services of each directorate.

The ACT Government **agrees** to the Elected Body recommendation to genuine engagement with the *Our Booris, Our Way* review, Implementation Oversight Committee to progress the key recommendations in the *Our Booris, Our Way* review. We acknowledge that more work is needed to meet expectations of working together.

Funding is provided in the 2020-21 Budget to address key recommendations of the review, including investing in the foundations for growing the Aboriginal and Torres Strait Islander community-controlled sector focussing on children, young people and families.

Priority Actions – Significant Focus Areas

5. Connecting the Community

The Priority Targets and Priority Actions in the Connecting the Community Action Plan centre around supporting Aboriginal and Torres Strait Islander community organisations, businesses and community initiatives and events.

The Elected Body has attributed a status of ‘No Progress/not Discussed’ to the target to increase Aboriginal and Torres Strait Islander community-controlled organisations and management committees. The Elected Body acknowledges the work being done in partnership to transition Boomanulla Oval management to community control. The Elected Body has recommended the lessons from this work should be reflected upon and actively implemented for future community engagement and self-determination.

The ACT Government **agrees** to this recommendation and by capturing and sharing the learnings from the Boomanulla Oval work it provides valuable insights for government to better understand how to enable self-determination in the way we work.

The ACT Government **agrees** to the recommendation relating to priority actions about opportunity to support new and establishing community organisations and **notes** comments made against this priority area about celebration of culture through community events.

Part of the significant investment being made to support growing Aboriginal and Torres Strait Islander human services sectors includes focussing on the establishment of an Aboriginal and Torres Strait Islander Community Controlled housing organisation to support housing access for Aboriginal and Torres Strait Islander peoples living in the ACT.

The Elected Body underscored the importance of focusing on providing holistic supports for families to enable access to the right services at the right time. The ACT Government **notes** this recommendation. There are a number of services supporting families to connect to services in the ACT. For example, the Child and Family Centres and OneLink can provide case management and support programs which may include warm referral to services. More work is needed to help families have better access to information about services available across government at the right time and in easily accessible and understandable forms. The mechanisms to achieve this require further exploration in 2021 and may include the need to expand some services and supports to meet individual needs.

6. Life Long Learning

Seven recommendations were made against Priority Actions in the Life Long Learning Action Plan. The ACT Government **notes** the three recommendations where the Elected Body

highlighted the efforts, investment and proactive approach made by the ACT Education Directorate and Libraries ACT respectively, to promote Aboriginal and Torres Strait Islander cultural, histories and knowledge. The ACT Government **agrees** to explore professional learning opportunities for teaching staff to strengthen their cultural competency and their professional practice in teaching with cultural integrity, including the Aboriginal and Torres Strait Islander Histories and Cultures Cross-curriculum Priority of the Australian Curriculum.

The ACT Government **agrees** to the recommendation to greater collaboration and cooperation between programs to support for children and young people to achieve positive educational outcomes.

The Elected Body recommended the program providing targeted access for three year old children to early childhood education and care services is closely understood and measured for outcomes. The measure for outcomes will be considered as part of the Outcomes Framework and Annual Reporting Strategy.

The Elected Body recommends that to promote smooth and effective transitions for Aboriginal and Torres Strait Islander peoples between skills-based pathways, there is adequate recognition of learning and achievement. The ACT Government **agrees-in-principle** to this recommendation, and, building on the work of high schools and colleges, the ACT Public VET Network (CIT, Skills Canberra and Education Directorate) will, in 2021, continue to strengthen pathway programs for Aboriginal and Torres Strait Islander peoples, including Australian School-based Apprenticeships.

The ACT Government **agrees** to the final recommendation against Life Long Learning Priority Actions to extend the Acknowledgement and Welcome to Country protocols with the inclusion of appropriate Ngunnawal language and further cultural protocols that could be adapted into the ACT public service.

7. Economic Participation

The Economic Participation Action Plan focuses on pathways to employment, ACT public service employment and retention and supporting growth in Aboriginal and Torres Strait Islander businesses, and community services organisations.

Of the nine Priority Targets, the Elected Body acknowledged progress against six targets and raised concerns about the limited progress demonstrated in program delivery to support Aboriginal and Torres Strait Islander business and enterprises throughout 2019.

The ACT Government has undertaken an independent review of the Aboriginal and Torres Strait Islander Business Support Program. The independent review considered the services currently available to businesses and the impacts of COVID-19 and the review recommendations will help to inform forward policy on the appropriate scope, focus and budget of any future business support program aligned with the ongoing commitments of the ACT Agreement.

The Elected Body is also concerned with the rate of Aboriginal and Torres Strait Islander peoples being employed in senior officer and executive positions across the ACT Public Service. The ACT Government is responding to these concerns through the accelerated work priority area of Recruitment and Retention. This work will focus on pathways to senior roles which includes investigating talent management for advancement to executive positions and exploring lateral recruitment.

There are four recommendations made against the Priority Actions. The ACT Government **agrees** to three recommendations in areas of procurement, fostering and promoting cultural tourism opportunities, and **notes** the ACT Public Service employment recommendation. The ACT Government is responding to these recommendations under the priority areas for accelerated effort.

The Outcomes Framework and annual reporting strategy will strengthen the coordination of reporting on the Aboriginal and Torres Strait Islander Procurement Policy complemented by the work undertaken to address the priority area of Procurement.

In relation to fostering and promoting cultural tourism opportunities, the ACT Government will continue to work in partnership with the Aboriginal and Torres Strait Islander Elected Body and community to co-design the strategic vision and objectives for the Yarramundi Cultural Centre. This project had been impacted by COVID-19 and put on hold. The project has since recommenced ready for community engagement and co-design in early 2021 and move forward on sustainable community governance arrangements through the Phase One Extension.

8. Health and Wellbeing

The Priority Area Action Plan for Health and Wellbeing outlines the government's commitment to achieve equitable health and wellbeing outcomes for Aboriginal and Torres Strait Islander people.

The Elected Body has attributed a status of 'No Progress/not Discussed' to the targets relating to the reduced transmission of sexually transmitted disease and bloodborne viruses and how this relates to the reduction of social impacts; and the absence of access to culturally appropriate detoxification facilities in the ACT for Aboriginal and Torres Strait Islander people.

The ACT Health Directorate is partnering with Winnunga Nimmityjah Aboriginal Health and Community Services to develop a model of care for a new Aboriginal and Torres Strait Islander Specific Alcohol and Other Drug Residential Rehabilitation Facility. Winnunga provided a draft model of care in December 2019 and a consultation report in August 2020.

The final model of care will inform the Government's consideration for further work to improve access to culturally appropriate detoxification facilities in the ACT for Aboriginal and Torres Strait Islander peoples.

Of the fifteen Priority Actions the Elected Body has made four recommendations relating to Aboriginal and Torres Strait Islander leadership opportunities in the mental health sector; funding and programs to support mental health; waiting time for ear, nose and throat surgery for children and young people; and Positive Behaviour Support Plans for students with complex behaviour. The ACT Government **agrees** to all four recommendations.

Improving the health and wellbeing of Aboriginal and Torres Strait Islander peoples living in the ACT is a continuing commitment of the ACT Government. Canberra Health Services is developing a plan to increase access rates and reduce wait times for Aboriginal and Torres Strait Islander peoples – particularly children – to have an outpatient review appointment and ear, noise, and throat surgery.

The ACT Health Directorate and Canberra Health Services are working collaboratively to identify opportunities to enhance the capacity of the Aboriginal and Torres Strait Islander mental health specific workforce.

Creating places for Aboriginal and Torres Strait Islander peoples to gather as a community is important to enable stronger cultural and community connections. The ACT Government will continue to liaise with the Aboriginal and Torres Strait Islander Elected Body on a prospective model for sustainable Aboriginal and Torres Strait Islander management of Boomanulla Oval, including funding approved for further upgrades at the facility.

Finally, to assist build strong and resilient young people, the Positive Behaviour Learning Support Plan for students with complex and challenging behaviour remains an ongoing process responsive to the needs of the student.

9. Housing

The Priority Actions and Targets in the Housing Action Plan acknowledge access to secure and affordable housing for individuals and families is critical to achieving positive life outcomes.

Of the nine Priority Actions in the Housing Action Plan, the Elected Body made five recommendations. The ACT Government **agrees** to the recommendation to continue to engage with the Elected Body in the future expansion of appropriate housing options for Aboriginal and Torres Strait Islander people in the ACT.

The ACT Government is working in partnership with the Aboriginal and Torres Strait Islander Elected Body to increase culturally appropriate housing options for Aboriginal and Torres Strait Islander peoples, to ensure individuals and families have equitable access to affordable and secure housing.

The ACT Government is investigating how it can strengthen community engagement approaches with the Aboriginal and Torres Strait Islander community, to better understand the current and future housing needs of the community.

The ACT Government **agrees** to the recommendation to clearly communicate to the Aboriginal and Torres Strait Islander community about appropriate consideration given to kinship connections when enrolling subsequent siblings to a school when a family is living outside of the priority enrolment area. ACT Education has embedded recognition of Aboriginal and Torres Strait Islander kinship relationships in public school enrolment procedures. Schools are required to recognise that Aboriginal and Torres Strait Islander kinship relationships are sibling relationships for the purpose of out of area enrolment applications. This advice was published on the ACT Education Directorate website in April 2020.

The Elected Body made three remaining recommendations commenting on areas where they welcome the ACT Government's engagement, continued investment and visibility of monitoring and reporting of relevant indicators of the ACT Housing Strategy. In response the ACT Government **notes** these recommendations.

10. Justice

The Elected Body reaffirmed Justice as an important focus area to the Aboriginal and Torres Strait community in the ACT. There has been positive progress made in the model of care delivered to Aboriginal and Torres Strait Islander detainees by Winnunga Nimmityjah Aboriginal Health and Community Services. The Elected Body have recommended greater coordination and access to facilitate continuity and high-level of care for detainees.

The progress on most of the Justice Priority Actions were not raised or discussed at the Elected Body Hearings. The Elected Body made an overarching recommendation seeking greater collaboration between the Justice and Community Safety Directorate (JaCSD) and other directorates to progress behaviour and engagement issues with justice. The ACT Government **notes** this recommendation, as funding any new initiatives is subject to Budget processes.

JaCSD notes several new initiatives being funded to deliver in the first half of 2021 including:

- Funding of \$15,000 to develop new information resources for families experiencing the coronial process covering topics such as forensic processes, hearings and how to participate in them, and available support services. Legal Aid ACT is developing these resources and providing funds to an Aboriginal and Torres Strait Islander organisation to develop a specific resource for the Aboriginal and Torres Strait Islander community. This resource will assist Aboriginal and Torres Strait Islander families. Resources will be published in the first quarter of 2021.
- Funding of over \$285,000 for On Country, Yarning, and Other Cultural Programs to be delivered prior to June 2021.

The Elected Body expressed their disappointment in the progress made on the delivery of justice diversion services for young people. The Community Services Directorate will continue to work in partnership with JaCSD and the community to improve more timely access to justice diversion services for young people, including implementing the final years of the Blueprint for Youth Justice in the ACT 2012-2022 and as a key focus of the ACT's next Youth Justice Strategy.

The ACT Government **notes** the recommendation to maintain a strong level of collaboration between JaCSD and the Education directorate to supporting Aboriginal and Torres Strait Islander students whose parent/s are incarcerated.

Summary

At the time of the Elected Body Hearings in March 2020, it became clear this year was not an ordinary year. In a short space of time the Aboriginal and Torres Strait Islander community-controlled organisations responded to the public health emergency to support Aboriginal and Torres Strait Islander peoples living the ACT. The ACT Government assisted organisations to undertake this role and worked together with the Elected Body to:

- keep the community safe through the pandemic
- enable Aboriginal and Torres Strait Islander peoples living in the ACT to stay connected to family and culture; and
- provide opportunities to take up employment, remain connected to education and support businesses.

This Hearings Report has initiated change within Government and, coupled with the signing of the National Agreement on Closing the Gap, unified positive change to embody self-determination.

This Report is timely for the future of the Agreement and changes made now in response to its recommendations will strengthen the partnership between the ACT Government, the Elected Body and the community.

The ACT Government strongly supports the overarching recommendations in the Report and looks forward to working in partnership with the Elected Body to achieve equitable outcomes for Aboriginal and Torres Strait Islander peoples in the Canberra region over the life of the Agreement.