



Our reference: OLA23-0177

Dear [REDACTED]

### **Decision on your access application**

I refer to your access application made under the *Freedom of Information Act 2016 (FOI Act)*, dated 31 August 2023, and received by the Office of the Legislative Assembly (the Office) on the same day.

This application requested access to:

- all video and audio files created in the course of broadcasting the Aboriginal and Torres Strait Islander Elected Body (ATSIEB) public hearings held on 14, 15 and 16 August 2023
- all transcripts of the ATSIEB public hearings held on 14, 15 and 16 August 2023.

#### *Authority*

I am an information officer appointed by the Clerk of the Legislative Assembly to make decisions about access to government information, in accordance with section 18 of the FOI Act.

#### *Decision*

I have decided to refuse part of your access application under section 35(1)(b) of the FOI Act on the basis that the information sought is not held by our agency.

Our Memorandum of Understanding with the Community Services Directorate (CSD) states, that after a copy of the recording of the ATSIEB public hearings has been supplied to CSD, the Office will delete any recordings once CSD confirms that it has retained working copies. We had complied with this requirement and have deleted all copies of the recordings of the hearings.

With regard to the transcripts of the ATSIEB public hearings of the 14, 15 and 16 August, I have decided to release these in full.

#### *Disclosure of Information*

A schedule of documents and the transcripts accompany this decision letter. The documents provided to you include both Uncorrected Proof Transcripts (UPTs) and Final Transcripts for each of three days. UPTs will include transcription errors and formatting irregularities that are corrected in the final transcripts.

#### *Disclosure log*

Please note that section 28 of the FOI Act requires publication of access applications, decision letters and any information subsequently released on our disclosure log:

<https://www.parliament.act.gov.au/function/tru/resource-center/freedom-of-information>.

*Review rights*

You may apply to the ACT Ombudsman to review my decision under section 73 of the FOI Act.

An application for review must be made within 20 days of receipt of this decision notice.

You may submit a request for review of my decision to the ACT Ombudsman by writing in one of the following ways:

Email (preferred): [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

Post: The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

More information about ACT Ombudsman review is available on the ACT Ombudsman website at:

[FOI Complaints and reviews | ACT Ombudsman](#)

Yours sincerely

**Hamish Finlay**

Deputy Clerk and Serjeant-at-Arms

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19 September 2023

## Schedule of documents

Reference: OLA23-0177

Document Reference Number	Format	Date	Description	Decision
1.	Document	14/8/ 2023	Uncorrected Proof Transcript (UPT) of the ATSIEB public hearing of the 14 August 2023 as received from our external provider	Released in full
2.	Document	15/8/2023	Uncorrected Proof Transcript (UPT) of the ATSIEB public hearing of the 15 August 2023 as received from our external provider	Released in full
3.	Document	16/8/2023	Uncorrected Proof Transcript (UPT) of the ATSIEB public hearing of the 16 August 2023 as received from our external provider	Released in full
4.	Document	14/8/2023	Final Transcript of the ATSEIEB public hearing of the 14 August 2023	Released in full
5.	Document	15/8/2023	Final Transcript of the ATSEIEB public hearing of the 15 August 2023	Released in full
6.	Document	16/8/2023	Final Transcript of the ATSEIEB public hearing of the 16 August 2023	Released in full



**ABORIGINAL AND TORRES STRAIT ISLANDER  
ELECTED BODY**

**UNCORRECTED PROOF TRANSCRIPT OF EVIDENCE**

**Members:**

**MS TANYA KEED (Chairperson)  
MS PAULA McGRADY (Deputy Chairperson)  
MS LYNNICE CHURCH  
MR MAURICE WALKER  
MR JACOB KEED  
MS JO CHIVERS**

**CANBERRA**

**MONDAY, 14 AUGUST 2023**

**NOT FOR QUOTATION, REPRODUCTION OR PUBLICATION****The Elected Body met at 9.30 am.**

**THE CHAIR:** Good morning. My name is Tanya Keed, and I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I would like to open today's proceeding by respectfully acknowledging the Ngunnawal people as the traditional custodians of the land we are meeting on today, and also recognise any other people or families with connection the lands of the ACT and region. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today.

I am joined by all members of the elected body and would like to introduce them now. Paula McGrady, Deputy Chair, with portfolios with Transport Canberra and city services, ACT Health and our representative on the coalition of peaks. Maurice Walker, Member, with education and community services portfolios. Jo Chivers, Member, with justice and community services portfolios. Deanne Booth, Member, with major projects Canberra.

I would also like to extend our respect and gratitude for a leader of our local community, Ngunnawal elder Aunty Agnes Shea. Aunty Agnes was a dynamic, compassionate leader, and spoke clearly on the need of reconciliation and healing in our community. Aunty Agnes has left an enormous legacy and will be missed.

As we start our 2023 hearings, I would like to pause and reflect that in 2020 hearings we had an extensive discussion in the lack of timely systemic response of the ACT government to racist drawings within the AMC. This was despite escalation of the issue within the government through the Human Rights Commission and concerted advocacy by local Aboriginal organisations. In two years, there has been no training or response on the ability to understand, identify or eliminate racism at the AMC.

Three years later, that family, and our community, was dealt another tragedy. I would like to reflect and remember those from our community who have died in custody in circumstances that were and should have been avoided. We would also like to acknowledge that a champion of systemic change inside the ACT government passed away unexpected a few weeks ago. We would like to extend our condolences to Dr Damian West's family, and everyone who worked with him. Damian was heading important work on the national and ACT agreement, and his absence will be felt.

I would like to invite everyone to stand for a minute's silence.

And now to our opportunity to hold the ACT government for the commitments and promises it has made to the ACT Aboriginal and Torres Strait Islander community. It is now 4 years through our 10 year ACT Aboriginal and Torres Strait Islander Agreement. We want to air the impact that changed outcomes are having within our community. We are not interested in a list of activities and intentions. We are interested in understanding of progress on key commitments and will be seeking to understand how this is the case and what is being done to remedy the lack of progress.

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The national agreement on closing the gap has been in place since 2020, and we are concerned by the lack of understanding that this demonstrated through the ACT annual report on closing the gap, and the misunderstanding of requirements for the National Agreement on Closing the Gap. As a small jurisdiction, with no remote areas, the ACT has a diverse and growing Aboriginal and Torres Strait Islander community. There are not significant few barriers in closing the gap here, in contrast to other states and territories, yet the progress against targets for the ACT from our own and the national agreement seems reluctant to change and slow to shift.

The elected body expects that all directorates are familiar with the following documents: the ACT Aboriginal and Torres Strait Islander Agreement 2019, the National Agreement on Closing the Gap 2020, the draft ACT Annual Report on Closing the Gap 2023, the ACT Audit Report on the Implementation of the ACT Agreement 2023, Review of the National Agreement on Closing the Gap released by the Productivity Commissioner 2023.

We also expect that every directorate knows and understands their responsibility and commitments from these documents and is focused on changing the way we work to impact the change we need for our community. We will be asking every directorate questions on the progress against specific commitments within the National Agreement on Closing the Gap, and the ACT Aboriginal and Torres Strait Islander Agreement, the access and availability of services to the Aboriginal and Torres Strait Islander community, to what level are these services are funded and is there proportional funding in place.

How we know and understand the experience of Aboriginal and Torres Strait Islander people using those services, number and levels of employment of Aboriginal and Torres Strait Islander people with an emphasis on leadership opportunities, embedding of the Indigenous Procurement Policy, specific progress against strategies or reviews such as justice reinvestment and the “Our Booris Our Way” reviewer recommendations from last hearings regarding outcome areas of the agreement.

Director-General, please could you ensure that all your witnesses acknowledge the witness statement for the record, at the start of their evidence. We will be asking every director to open with their understanding of the key areas and targets that they have responsibility for deliver across both the national and ACT Aboriginal and Torres Strait Islander Agreement. I would like to invite the Director-General, Kathy Leigh, for any opening statement before commencing of questions. Please can you limit your introductory comments to two minutes.

**Ms Leigh:** Thank you, Chair. I would like to commence by echoing your acknowledgement, and may I, as head of the ACT Public Service, also acknowledge the contribution that all of the Aboriginal and Torres Strait Island members of our public service make to the quality of our service. I always like to make that point. Thank you for having us here today.

I was not expecting to make an opening statement. We are aware of the priority areas that you have identified as of particular relevance to our directorate. We have all of our senior staff here, ready to provide responses to the committee. I would mention in advance that a couple of staff, because of a couple of staffing matters, we might in a

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few areas want to take some additional aspects on notice, but I do not expect that to be a predominant issue. We are happy to proceed with your questions, thank you, Chair.

**THE CHAIR:** Priority reform 1, partnership and shared decision-making. Director-General, after 2020 hearings, you identified six areas for all directorates to focus on. Those six themes were systemic racism, cultural integrity, mandatory reporting, recruitment and retention, and procurement, and support for ACTCOSS. We would like to understand how you have held directorates accountable to those six priorities over the last three years, how was the directorate working with the community. We would like to understand how you hold directorates accountable to those priorities over the last three years.

**Ms Leigh:** Thank you. As you are aware, the Directors-General are all engaged by me as head of service, and I therefore have performance agreements with each of the Directors-General. There is a specific item in those performance agreements that goes to Aboriginal and Torres Strait Islander employment in the public service. That has a specific target attached to it for each directorate, and those targets are targets that are determined looking at the past performance of that directorate and the opportunities for that directorate.

So they are not just an arbitrary, one-size-fits-all target. They are targets that are intended to be very meaningful for the particular directorate. So directorates where, given the nature of their roles and responsibilities have more potential to engage Aboriginal and Torres Strait Islander staff. They have a higher target. So it is a very meaningful target that is set.

But in addition to that very specific target that is in the performance agreements of each of the Directors-General, Directors-General all are required to deliver the government overarching priorities which include, of course, both the Closing the Gap priorities and the Aboriginal and Torres Strait Islander Agreement, which of course I sign, along with the Chief Minister, and of course with the Chair of the Elected Body.

**THE CHAIR:** Have the targets been met? And if not, what have been the consequences?

**Ms Leigh:** So when we have the follow up discussions, we look at what has been done. My approach is very much to look at whether they been addressed seriously. And if a directorate is falling short of the targets we have set, then what is being done about that? Why has it happened? And what is being done differently to improve that for the future?

If they are being easily met, then let us put it up higher next time. So that is—my approach is very much to go to let us get the outcome, let us work out why it is not happening and discuss what the concrete measures might be that could get us there.

**THE CHAIR:** What about the other five priorities?

**Ms Leigh:** So, in terms of overall priorities, again it is a discussion about meeting those priorities, what is being done? Those discussions will vary according to the particular directorate. Obviously, some directorates have a much higher level of responsibility.

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So the Community Services Directorate has the lead across government on Aboriginal and Torres Strait Islander matters. And so obviously that directorate has a much larger proportion of its focus and responsibilities on those closing the gap targets. And those targets themselves relate to particular directorates.

**THE CHAIR:** Thanks Kathy.

How are the directorate working with the community services decision making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community?

**Ms Leigh:** If I may Chair, I would like to refer to one particular example, which I think is a great example.

And David Pryce, if you could come and just talk about the births, deaths and marriages work that we have done?

I think it is a really great example of not just working on the particular issue, but one where true to the intent of the closing the gap the community actually have an active role.

**Mr Pryce:** Thanks Kathy.

David Pryce, Deputy Director-General, Head of Access Canberra. And I acknowledge the privilege statement and witness statement.

Thank you for that question.

So, as part of the action plan response we committed—well actually the idea come up from the team as part of our—the work we did around reconciliation and improving outcomes for Aboriginal and Torres Strait Islander people around our community access policy for Aboriginal and Torres Strait Islanders, in regards to births, deaths and marriages, particularly in accessing identity documents as well as other information through that registry that we manage here in Access Canberra.

The team worked closely with our Aboriginal and Torres Strait Islander community stakeholders, including the Elected Body, over some time to seek feedback and ideas on how we could simplify that policy and make access easier as well as, I guess, more culturally safe. Noting it is a challenge sometimes for people who do not have those documents or have had challenges in the past just to engage with us on that.

So over about—I think it was about a good 12 months of engagement seeking feedback as well as trialling, through a pilot program. We applied a new policy that simplified that process.

To date, I do not have the stats before me because I was not expecting the exact question. But—

**Ms Leigh:** Sorry.



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**Mr Pryce:** Yes, it is okay. So I do not have the stats before me as to access. But we certainly have implemented that new policy some time ago.

I have not had any feedback from the team as to the policy not working or other difficulties being identified. But it is an example where again you need to just look at existing policies, seek feedback from the community as to what is working, what is not, and then trial. Like, not be afraid to trial. And then, I guess, make adjustments where necessary.

But that one, I guess from my perspective, there is two things. One is, it is important that we have addressed this because it has been a significant issue and identified through previous hearings from the Elected Body. And secondly, it came from our people, our team members, actually within that team. So it was an idea at the lower level and then they have run with it. So I am really pleased about that.

**THE CHAIR:** And David, the question off that for more partnerships and agreement, and is the formal partnership—is it a formal partnership and how is it resourced? Let us just go back to the question.

**Mr Pryce:** So it is an Access Canberra policy. I guess the partnership is that we engage with all of our Aboriginal and Torres Strait Islander community stakeholders, including the Elected Body—

**THE CHAIR:** Yes.

**Mr Pryce:** I wrote directly to each of them throughout the process, both when we initiated—I think a couple of times as we were trialling it and then towards the end—

**THE CHAIR:** That is more consultation, not partnership though.

**Ms Leigh:** If I may, Chair?

The reason I particularly mentioned it is because in terms of verifying identity, that is something that we look to the community to play a role in, rather than the government making that decision. And so that is why I thought it was a good example.

So I agree it is very specific. But I think it has made quite a difference and it is about partnership because it is about community making decisions that the government then implements, as opposed to the government taking the lead and making all the decisions—

**THE CHAIR:** How are they resourced to do that?

**Mr Pryce:** Sorry, what was the question, sorry?

**THE CHAIR:** How are they resourced to do that?

**Mr Pryce:** So, I mean, I have the resources within my births, deaths and marriages team. But I am not sure if that is your question about the community resource.

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**THE CHAIR:** Yes.

**Ms Leigh:** About when members of the community are assisting to verify identity?

I think perhaps it is such a narrow example. And I appreciate that you had a much broader question—

**THE CHAIR:** Yes.

**Ms Leigh:** And so probably the question about resourcing—

**THE CHAIR:** Yes.

**Ms Leigh:** —is more relevant to the broader question—

**THE CHAIR:** It is, yes.

Thanks David.

**Mr Pryce:** Thank you.

**THE CHAIR:** How many new formal partnerships by directorate established since 2020?

**Ms Leigh:** How many new partnerships?

I think in each of the areas we have—I do not think there are formal partnerships as in written agreements or MOUs. But in particular areas, we have worked very closely with the community to achieve outcomes.

In terms of issues such as racism and recruitment, Michael Young could talk about the initiatives we have taken there and how we have engaged on those, which go to the topic that you outlined originally.

**THE CHAIR:** How are they resourced?

**Ms Leigh:** Michael?

**Mr Young:** Certainly.

Good morning, my name is Michael Young. I am acting in the role—

**THE CHAIR:** Morning, Michael.

**Mr Young:** —that has been vacated by Damien West. And thank you for your acknowledgement of Damien at the beginning.

**THE CHAIR:** I am just a bit thing—because there is still—so the answers are still no partnerships, just all have been consultations. So if we could just stick—we have got limited time to ask these questions. So we just want to stick to the questions. And there

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is still no answer and no partnerships. It has all been—

**Mr Young:** Sorry, my responsibility is in the area of whole of government policies that are focusing on some of those priority action areas. But they do not go specifically to the partnerships question.

**Ms Leigh:** So Chair, in terms of the particular areas of responsibility that CMTEDD has, they are not in those priority areas like early childhood, et cetera, where there most obviously would be partnerships. So if you would like to guide me as to particular areas where you would expect to see partnerships, then I might be able to assist more.

**THE CHAIR:** What was you going to say, Michael?

**Mr Young:** So we deal with a range of whole of government strategies, policies, interventions, to promote Aboriginal and Torres Strait Islander recruitment and also are doing a range of things that go directly to supporting the work around eliminating systemic racism.

That area is also where the cultural transformation branch is going to be established. So I can talk about any of the sort of works that are going on in those areas. But as I said, they do not go specifically to that partnerships matter.

**THE CHAIR:** And how are they resourced?

**Mr Young:** Certainly. So, well perhaps I might turn to the Cultural Transformation Branch. So this is a new branch that is being established within the Office of Industrial Relations and Workforce Strategy.

There is a new executive position has been established to head that branch. And I expect that there will be at least four dedicated positions focused on the area of works in support of the Aboriginal and Torres Strait Islander programs.

The budget for those in within the budget of the Office of Industrial Relations Workforce Strategy.

**THE CHAIR:** And what have they achieved?

**Mr Young:** The branch is yet to be established.

So recruitment has been conducted. And I expect the identity of the successful person will be known in the very near future. But I can talk about the work program that will sort of shortly follow that establishment, if you like?

So there are two immediate priorities for the cultural transformation branch. One will be for the new executive branch manager to meet with and connect with Aboriginal and Torres Strait Islander staff across government, including for example, the cultural advisers across government and within directorates, and the key policy areas such as the Office for Aboriginal and Torres Strait Islander Affairs in Community Services Directorate, and also the systemic racism working group, and with Aboriginal and Torres Strait Islander staff through Yarning Brew and staff network for example.

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So the investment in forming those connections and relationships are critical to build trust and to ensure that ATSI staff are listened to and their expertise and knowledge is incorporated in the design and implementation of the initiatives that will follow. Alongside that another key priority area for the CTB will be the development of a forward work program. That will be undertaken in reference to the agreed commitments under the Aboriginal and Torres Strait Islander—

**THE CHAIR:** Michael, can we just—when you address, can you just ATSI staff, Aboriginal Torres Strait Islander staff, please. We are four years in. We want to know what has been achieved and what is in the future.

**Ms Leigh:** If I may, Chair. I think the initiatives that Michael is referring to go particularly to priority area three, and they are something that I feel are a concrete commitment that the ACT Public Service has made. Some years ago I had created a cultural adviser position for CMTEDD Directorate. With the success of that role, I have recently created a whole of government cultural adviser position in addition to maintaining—

**THE CHAIR:** Kathy, can we get to that because we are still sitting on priority reform one.

**Ms Leigh:** Sorry, it was just that it related to what Michael was saying.

**THE CHAIR:** Yes, that is what I am saying. Can we just get back to the question that was asked. Is this information publicly available?

**Mr Young:** The information about the full work program of the branch, we can certainly provide that information on notice, and we will continue to get an update, the body, as that work program commences.

**THE CHAIR:** Thanks Michael. Provide three examples of where you have shared decision-making with the community against the ACT government; how was this decision-making formalised?

**Ms Leigh:** I think the areas that would be most relevant to CMTEDD because as I have said, we do not have direct responsibility for the large subject areas of focus. What we do have responsibility for arts, and Ms Arthy might be able to talk about the work that has been done in relation to Yarramundi Reach but also the arts program. Now, I would say in relation to Yarramundi Reach—Ms Arthy is coming up—that that has not had a lot of progress in the recent years and there are reasons for that.

But in terms of areas where CMTEDD could be looked to to engage directly with the community, I do think the arts area is—it is a line responsibility. We hope you would appreciate CMTEDD does not have a lot of line responsibility. That is one of them, and that is one that is directly relevant to the question you are asking.

**THE CHAIR:** To what level was it funded?

**Ms Leigh:** Our property group run the Yarramundi Reach but in terms of—we have the

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actual engagement with the gallery and the support.

**Ms Arthy:** I am Kareena Arthy. I am Deputy Director-General of Economic Development, and I acknowledge and have read the privileges statement. So there are a couple of elements to this. So Yarramundi Reach, we have been working with the Community Services Directorate for a number of years now around what we could do to transform that precinct, particularly because I have multiple hats where I have tourism, arts and also business and innovation.

We were working initially to look at how we can convert Yarramundi into more of a tourist destination; however, as the work was proceeded with Community Services Directorate in the lead, I believe now we have sort of put that on the backburner a little bit while further consultation with the community happens in relation to governance and future aspirations.

So we are standing—and my team are around, particularly in the arts and the tourism. We are sort of standing, waiting for the Community Services Directorate. I am sure they will be able to talk to you more about where that is up to. In general, we have a very strong program when it comes to arts in particular, and we have a ministerial advisory committee. We also have released for the first time in I think several years—

**THE CHAIR:** Yarramundi Reach, that is now office space for an organisation. How was the change in purpose decided?

**Ms Arthy:** That would be from either under Property Group might be able to help you or Community Services Directorate.

**THE CHAIR:** And Yarramundi Reach has no operational funding, no long-term commitment to a cultural activities program.

**Ms Arthy:** Again, that question would probably be better for the Community Services Directorate. So the property group administers the actual renting of the building. Our area is really how can we work with the Community Services Directorate to maximise any economic outcome there might be. So that is where we come in, and that would be whether it is a tourism or an arts outcome.

**THE CHAIR:** We will just move on to the priority reform two building, the ACO Sector, engagement with ACOs. How many local ACT-based ACOs have you worked with in the last two years?

**Ms Leigh:** As I explained, Chair, the scope of responsibility of CMTEDD is less directly relevant to the areas where one would have that engagement. So it is not something that I think CMTEDD is particularly engaged on.

**THE CHAIR:** So there is no partnership or agreements? If not, we will move on.

**Ms Leigh:** No.

**THE CHAIR:** What about your grants' programs?

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**Ms Leigh:** So we do not have grants programs except in the business and arts area. Andrew, would you like to come up.

**Mr Mehrton:** Andrew Mehrton, Executive Branch Manager for Social Policy in CMTEEDD. I cannot speak to the business grants but we do, as part of the Office for LGBTIQ+ Affairs which is my branch have a grants program which has operated with a budget of \$100,000 per year although at the moment we have an increased budget of 350,000 for the next two years.

We have through that program and through our work with the Ministerial Advisory Council and LGBTIQ+ Affairs made efforts to engage where we can with the Aboriginal and Torres Strait Islander community including—

**THE CHAIR:** Which ACOs do you work with?

**Mr Mehrton:** Sorry. No ACOs through that program. I was just speaking to the grants more broadly.

**THE CHAIR:** However you helped existing ACOs to grow in size ...(indistinct)... [9.57.54] services, but you have not worked with anyone so you would not be able to answer any of the questions. How are you progressing with transition to Aboriginal community controlled organisations? Well, that is something you cannot answer as well.

**Ms Leigh:** I think it is hard to follow through on that line, yes.

**THE CHAIR:** Let us move on to the Indigenous procurement policy. The next question will be about the Indigenous procurement policy. Just go back a minute. How is the funding of ACOs being prioritised in budget?

**Mr Hocking:** I think there is a range of initiatives for existing ACOs through the budget process. Treasury would be involved but they really have a responsibility for the directorate that deals directly with the ACOs in health, etcetera.

**MS CHIVERS:** Excuse me, can you just say who you are for the purposes of Hansard.

**Mr Hocking:** Sorry, I apologise. Stuart Hocking, Under Treasurer, and I acknowledge and have read the privilege statement. So there would be a range of budget initiatives that you would have seen in recent budgets. Treasury's role is really to assist cabinet to make decisions about those things. The policy issues come up through our Community Services Directorate and our Health Directorate in relation to those.

**THE CHAIR:** The next question will be about the Indigenous procurement policy. What is the number and value of contracts that you have that support the Indigenous procurement policy

**Ms Mirzabegian:** Sanaz Mirzabegian, Executive Group Manager, Procurement ACT. I have read and acknowledged the witness statement. That you for that question. I need to refer to my notes to give you that answer. So at the moment we have across the Territory about \$8 million, just over \$8 million in expenditure in our contracts, and

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those are across 111 Aboriginal and Torres Strait Islander enterprises. That is the name that we referred to businesses, Aboriginal and Torres Strait Islander businesses.

**THE CHAIR:** What are the requirements within contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander people?

**Ms Mirzabegian:** Each contract is treated differently. And with that, we link it to our other policies. We have procurement values in 2020. One of the procurement values is Aboriginal and Torres Strait Islander economic development. The way that it works is that with each procurement the relevant agency procuring will have to choose a particular value. Where they choose Aboriginal and Torres Strait Islander economic development value, then we will work with those agencies to understand what they would like to put in. So we do not have a one size fits all approach there.

**THE CHAIR:** In relation to mainstream organisations, what are the specific requirement that those organisations must have guaranteed access to services in the community?

**Ms Mirzabegian:** That is one of the ones. The other ones that I have seen would be things like how many Aboriginal and Torres Strait Islander trainees they have in the contract? Sometimes their requirements are for those businesses to engage a certain number of Aboriginal and Torres Strait Islander employees. It just depends on what makes sense for that particular procurement and whether that industry is developed or is developing.

**THE CHAIR:** Can you give an example of where business procurement has been achieved and how are those outcomes measured and what happens when they do not do it?

**Ms Mirzabegian:** I do not run the procurements. So no, I cannot really tell you what would have happened where they do not do that.

But I can tell you about what does occur with any contract management. So the contract manager would have to initially have a discussion with that business, understand why they are not meeting their requirements. And generally in our contracts there is a provision that requires them to remedy the thing that they have not done. So to fix it. And if they can fix it, then we would raise what we call a breach of contract which would then have consequences.

But generally we try and work with the business to make sure that they are meeting—

**THE CHAIR:** Yes.

**Ms Mirzabegian:** —rather than try and punish them.

**THE CHAIR:** Do you not have a whole of government report on this?

**Ms Mirzabegian:** No, we do not collect that as whole of government report at the moment.



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**THE CHAIR:** What are the requirements that those organisations must have to Aboriginal and Torres Strait Islander staff within the organisation?

**Ms Mirzabegian:** At the moment we do not have specific requirements that apply across the board. There would be—if a business is using our Aboriginal and Torres Strait Islander economic development value, then we will work with that business to understand what that means for that particular business.

So we do not have, as I said—fortunately I guess, in some cases, because we do not want to kind of push to the businesses to fail. We want them to do what makes sense for their community and for their workers.

**THE CHAIR:** And represented on the board?

**Ms Mirzabegian:** Pardon me?

**THE CHAIR:** Represented on the board?

**Ms Mirzabegian:** On the board? Sorry, which board are we talking about?

**THE CHAIR:** On all the staff within the organisation, are they represented on the board? The mainstream—

**Ms Mirzabegian:** On the government procurement board? We do not have any membership of Aboriginal and Torres Strait Islander people on the government procurement board at the moment.

**THE CHAIR:** How are you engaging with Aboriginal and Torres Strait Islander businesses?

**Ms Mirzabegian:** We engage in a number of different ways. And we have trialled and implemented a few things. So we do have Meet the Vendor, Meet the Seller, events where we ask the Aboriginal and Torres Strait Islander businesses in the Canberra region to nominate if they would like to come and present to the government buyers. And we bring them—during COVID we did that remotely or through video conferencing.

So every business then gets a chance to prepare a presentation, however they want. Some do PowerPoint, some do other things, some do videos. And they come and present the sort of goods and services that they can sell to us. And then the buyers can go and buy—that is us, we can ask the questions that we want from them. It is basically a promotional thing.

I have also, myself, run a session for Aboriginal and Torres Strait Islander businesses where we take them through a tender process, what it means to tender with the ACT government. We did a page turn on the different things that are in our request for tender documents. And give them tips and tricks on what you have to put in your tender documents to be successful.

We have turned that module now into a e-learning product. So it is a video that you can



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access and look at. We have also provided a number of other training, to help people register with our Tenders ACT. So if you are a business, you can register and you can pick the different things that you are interested in. And then you get a notification when those items go to tender. So we are doing that as well.

And we are finding that that is useful, because it means that somebody does not have to go and check our website every day to kind of figure out what is coming up.

**THE CHAIR:** How many contracts have you entered into with Aboriginal and Torres Strait Islander businesses?

**Ms Mirzabegian:** I did say—we have had 111.

**THE CHAIR:** 111, yes.

**Ms Mirzabegian:** Yes.

**THE CHAIR:** You did say that.

As a percentage of spending, how much is spent with Aboriginal and Torres Strait Islander business?

**Ms Mirzabegian:** So in 2019-20, when the Aboriginal and Torres Strait Islander procurement policy was first implemented, we had a target of one per cent. And we spent 1.52 per cent of our addressable spent.

In 2021, the financial year 2020-21, our target was 1.5 and we spent two per cent. In 2021-22, our target was two per cent and we spent 2.76. In 22-23, the target was still two per cent and we are—so far, we are still very fine, but it is at 0.67. So it has come down. But we have not quite analysed the data to understand why it has come down.

**THE CHAIR:** Okay. Thank you.

We will move onto priority reform 3, transforming government organisations in the ACT agreement.

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

**Ms Leigh:** In relation to priority 3?

**THE CHAIR:** Yes. We got there now.

**Ms Leigh:** I think this now brings us to the issues that Michael and I were talking about earlier—

**THE CHAIR:** Yes.

**Ms Leigh:** —about actually strengthening the ability of the public service. And as I was mentioning, we have built on that original CMTEDD Cultural Advisor role to now

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create a whole of government cultural advisor role and the cultural transformation branch. So we have actually embedded in the structure of the area of the ACT public service responsible for whole of government strategic workforce matters, a branch which has that responsibility of cultural transformation.

We are finalising, as Mr Young said, the recruitment to that area at the moment. And obviously then it is a matter of settling the work program and getting that work underway. There will be at least four staff allocated to that SES position. The SES position is an identified SES position, which I think goes to the significance and importance of the role. And it also makes a statement about where we are looking to head in our service.

It is obviously—we are still early days about what we can achieve with that. But I do think that is a really significant commitment to taking that step.

**THE CHAIR:** How do you work with other directorates implementing an agreement?

**Ms Leigh:** So we—through a whole range of processes, whether it is the responsibility of the Office of Industrial Relations and Workplace Safety, that is a whole of service responsibility, so working through various committees, meetings directly with the Directors-General.

That head of that area, even they are a Deputy Director-General, attends strategic board. And part of that responsibility is then raising issues for strategic board to—so that all of the Directors-General are personally committed to those outcomes.

Then it is also working through our corporate heads and the network. Mr Wright leads a network across the service at the head of corporate level. So again, discussing what can actually be done on the ground and what is being done.

**THE CHAIR:** Thanks Kathy.

Systemic Racism.

**Ms Leigh:** Yes.

**THE CHAIR:** What have you done to review your legislation policies and processes to identify and remove systemic racism?

**Ms Leigh:** I think again the most important thing that we have done is those roles that I have just mentioned. The cultural advisor for CMTEDD has for a few years now run a Yarning Brew, which is about supporting our Aboriginal and Torres Strait Islander staff. Now I realise that is about supporting them as opposed to the behaviour of others. But I think it is an important step in supporting those staff to be able to call out concerns they have.

I was privileged to be invited along to one of those sessions. And I think other senior leaders have been invited. And that is also an opportunity to hear directly the personal stories from people and to really understand what that means on people's day to day working lives.

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I think we have also looked at developing a whole of government racism policy. That work is still ongoing, and it has taken longer than we would have hoped. But there is a cross government working group undertaking that work. And Mr Young, could probably give you more details on that—

**Mr Young:** Sure—

**THE CHAIR:** What issues have been identified, Michael?

**Mr Young:** I was going to say, I think an important part of the work that we are doing in support of that priority or reform area is systematically identifying and understanding the experience of Aboriginal and Torres Strait Islander staff. So one of the key tools that we use to do that is the whole of government staff survey, which is recently run for a second time in its current format. And it has provided some, I think, really valuable insights which will go on to inform those legislative and policy review actions that you mentioned.

If you would like us to talk a little bit about those—

**THE CHAIR:** Can I just—this goes beyond behaviour; it is about systemic system discrimination. Can you give me one example of a systemic issue you are addressing anywhere in the ACT government that is not about HR?

**Mr Young:** Not about HR?

**Ms Leigh:** Mr Young's remit is HR. So that—we would probably look elsewhere for responding to that—

**THE CHAIR:** Yes, please.

**Ms Leigh:** —question.

Again, this takes me back to my responsibilities as Head of Service, in engaging with Directors-General, and then what are our whole of government responsibilities. So I need to look at each of those to give a sensible answer to that question. many of those are about whole of government strategic workforce.

Of course, Treasury support the government on budget. One of the things that the government now does is provide an Aboriginal and Torres Strait Islander Expenditure Statement to Budget, which does go to looking at the proportions of money spent. Ms Mirzabegian gave earlier some detail about procurement. There is detail in that statement about the improvement in procurement and in grants. And so providing the actual factual—the dollar analysis that Treasury does helps government to see whether there is in fact systemic racism because the outcomes are disproportionate.

They are the two things that are most obvious to me in terms of the roles and responsibilities of CMTEEDD.

**THE CHAIR:** What legislation and policies have been reviewed and amended to

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address systemic racism?

**Ms Leigh:** The policies mainly again go back to HR policies. And that work is being done on a framework.

**THE CHAIR:** Okay.

Racism. How has CMTEDD supported Aboriginal and Torres Strait Islander employees across the ACT public service to reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander people within government systems by 80 per cent by 2028?

**Ms Leigh:** We do have a number of roles that relate to buy and support on respect for all of our staff, who of course are relevant to this. But I do not like to repeat myself, but I do think the most important thing we have done is creating those cultural advisor roles and the cultural transformation branch. And the work that is done by—or that has already been done by our cultural advisors.

The person who was CMTEDD Cultural Advisor, who is now the whole of government one, has been very active for a number of years in providing that support to our Aboriginal and Torres Strait Islander staff. And has always had a direct capacity to come and meet with me. And he has done that whenever he has seen an issue that he thinks I should be aware of. I have tried to then act on those issues and put concrete measures in place.

So probably the most—I think that the most significant thing we have done because it is far reaching. It supports all of our staff. It enables support that is welcoming for those staff, comfortable for those staff, where they can seek support, not only from each other but from an SES Aboriginal member of our service who can, both through their level of seniority but also through their own experience, then provide support to those staff plus have the reach to me to raise any issues that I need to take action on.

**Mr Young:** In support of those issues—

**THE CHAIR:** Yes.

**Mr Young:** I beg your pardon.

**THE CHAIR:** Maurice.

**MR WALKER:** Kathy, Maurice Walker.

Just thinking about the cultural load that is going to be—that is expected, the way you have answered the last few questions about the cultural team that you are intending to employ, I am just sort of worried about the cultural load that is going to be on that person's shoulder. It just seems like there is going to be a lot of dependence on that person. Hopefully there will be some sort of partnership with other people, like yourself Michael, that will assist in that process.

**Ms Leigh:** I guess what I would say to that is, first of all you are absolutely right that

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this is a branch head level sitting in that senior leadership structure. So having the support of other senior leaders and reporting to people who will be able to provide support to those roles.

Also, I would say I think every Aboriginal and Torres Strait Islander member of our service carries a certain cultural load and perhaps by actually creating named roles then we are not asking people to do it on the side, as sort of part of their day to day. We are actually saying, this is your fulltime role. And so I hope that goes someway to providing that support and acknowledgment of that issue.

**MR WALKER:** And you will be involved in that, will you not?

**Ms Leigh:** Absolutely.

**THE CHAIR:** Thanks, Maurice.

**Mr Young:** I think it is important to add to that I think that branch is part of a broader puzzle. It will be bringing together a suite of resources. It will spend time mapping out and engaging with those existing, you know, the Yarning Brew networks cultural advisors, the work that is being done to support recruitment practices at the sort of entry and advanced levels. So while, you know, it will be a significant focus area and a demanding role, it I think needs to be considered as a part of a total network. And it is only one piece of that.

**THE CHAIR:** We are four years in the progress. It has been very slow.

**Ms Leigh:** It has been. I will not deny that. It has not been for lack of will and commitment. I know COVID sounds like the sort of COVID excuse, but it was very real, and it did both take resources away from so many things as well as impacting on the capacity to get people together and to resolve issues. But despite all of that we are still very determined to keep moving forward.

**MS MCGRADY:** I think it is a great—sorry, Paula McGrady. I think it is a great initiative to have this advisory cultural adviser role at that level. But again, you know, the responsibility of racism should not come from Aboriginal and Torres Strait Islander people. It needs to come from above and filter down. It needs to come from non-indigenous people in those organisations because this responsibility is too much for us to be responsible for. But also, you know, to compliment that role and that position there to advise.

But again, we do not want to overload our community on being, you know, the responsibility for everything racial. Because racism—it is a lot easier, I think, from a personal perspective to kind of take a criticism of, well look you have—whatever, but when you do attack a person's identity, I think I could probably speak for all of us, is that it affects us quite meaningfully and obviously not in a good way. But it has to lead from the top down. And again, reiterating Member Walker's comment as well about the responsibility, that cultural load, that cultural responsibility, it cannot be left up to a group of people. but that is a good step, so.

**Ms Leigh:** And I certainly hope it is not seen as being left up to those people. I

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personally have a very strong commitment to move forward.

**MS MCGRADY:** Good. Thank you.

**Ms Leigh:** And while creating those is something that I think is an achievement that takes us forward, it is not something that I see as aggregating my responsibility to continue to show a leadership role and—

**MS MCGRADY:** Thank you.

**Ms Leigh:** —making a difference.

**MS MCGRADY:** Thank you, Kathy. And I think also, you know, it would be—I think the Elected Body would be really grateful to kind of hear updates even throughout—other than the hearings, about how racism in this space is happening. And it will be a question I will bring up—I think that we will all bring up in all directorates because we really need to get rid of this.

**Ms Leigh:** I can tell you already they are small things but after Pat Turner and yourself came to Cabinet, and there were a number of very practical things that were listed at one point. So I have already asked for that to be brought to our strategy board because they seem to be such practical things that can make a difference. And so it is just one example of how I do take this very seriously.

**MS MCGRADY:** Thank you.

**THE CHAIR:** One thing for me, Kathy Leigh, with being an Aboriginal worker in the workforce, it is not just easy for us to just to get up and go to work in the morning. It is a process for us as Aboriginal and Torres Strait Islander people. I look at it like, what I am going to face today? And I look at that every day. It is like my anxiety just goes through the roof. And I cannot imagine what it is like for any new employees going into the workforce as well with government in making sure that like the cultural transformation is set up for them.

It was not back in my day. I really struggled getting up in the morning because it was a process. It is not just getting up, out of the shower, getting dressed and brushing your teeth and having breakfast, it was the anxiety of when I get there, what am I going to face today? How am I going to do this? How am I going to do that? And I just really struggled.

But I just thought I would chuck that in there.

Let us move onto the workforce.

**Ms Leigh:** Thank you.

**THE CHAIR:** We understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as part of improving services to the community. There continues to be concerns raised across the community that some staff are not recognised, accepted or connected to our local community. How do you assure

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these people meet the definition of being an Aboriginal and Torres Strait Islander person?

**Ms Leigh:** People who apply for identified positions?

**THE CHAIR:** Yes.

**Ms Leigh:** I think that is always a complex issue, is it not?

I think it would be impossible for me to be the one that would make that decision. That is a matter for community. And I think the only thing I could say that if concerns were raised then obviously, we would engage on those. But beyond that, I would take your guidance on any appropriate steps that should be taken.

**THE CHAIR:** How do you make sure they have the lived experience, connection with the community, that is critical to their ability to engage with and deliver outcomes to Aboriginal and Torres Strait Islander community?

**Ms Leigh:** I think the only thing I can point to there is, for all of our appointments we have a proper selection process which goes to who is the best person for the particular role. And obviously when we are looking at a position that is intended to be about, you know, an identified position that is chosen so that that person is able to provide those insights, then that is going to be a key factor in selecting who is the best person for that role.

**THE CHAIR:** How do you track the compliance with the process?

**Ms Leigh:** With the identified roles? If the position is an identified position, then normally that is the end of the issue. That is the scope of who can apply. I am aware that there have been some occasions, not to my knowledge in CMTEDD but across the service, where on a particular occasion there have been some difficulty and so a temporary appointment had been made so that the work would not completely stall. And I know that there was some sensitivity about that. But I think it was done with the best intent to just minimise disruption of work.

**THE CHAIR:** How have these roles and their responsibility been communicated to the community?

**Ms Leigh:** The creation—so the actual creation of the identified roles?

**THE CHAIR:** Yes.

**Ms Leigh:** Well I cannot talk—each individual role, it would depend on the role, how we have gone out publicly to advertise that role. But certainly all of those roles are advertised publicly. They are open externally. Unless they are a short-term filling. And it would depend on the particular role and that area thinking about where people might be who would be best for that role, how they would then go out to publicise it beyond the normal job vacancy approaches.

**THE CHAIR:** How do you ensure that the advice that they give is culturally



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appropriate?

**Ms Leigh:** Again, I think that is a complex question, is it not?

I think again it will vary across the particular roles. I would expect the role itself to have clear definitions before it was advertised which would provide guidance's to what was expected for the person in the role. I would expect that if there were concerns that they would be raised and taken seriously and looked at by the relevant senior executive or Director-General.

**THE CHAIR:** Who in the panel is able to assess—

**Ms Leigh:** Beg your pardon?

**THE CHAIR:** Who in your panel is able to assess it?

**Ms Leigh:** On a selection panel itself?

**THE CHAIR:** Yes, recruitment panel. Yes.

**Ms Leigh:** Well again, that is going to vary according to the role. And so there is not one answer to that question.

**THE CHAIR:** Okay. How does—sorry, Paula.

**MS MCGRADY:** So probably to expand on that question, so on recruitment panels has there been an Aboriginal and Torres Strait Islander person independent of government been part of the panel to help with any assessments?

**Ms Leigh:** I am not aware of particular cases where that has been the case. But it is not something that I am averse to looking at if that is something that is considered useful to look at.

**MS MCGRADY:** I think it is. Thank you.

Yes, thank you.

**THE CHAIR:** How does the ACT government train and assure the cultural cognition of ACT government employees?

**Ms Leigh:** I will ask Mr Young to talk about some of the training we have—

**THE CHAIR:** Yes.

**Ms Leigh:** —and also then, Mr Wright could talk about CMTEDD, because we have two hats here. We have whole of government plus we have what we are doing internally for CMTEDD.

**THE CHAIR:** Yes.



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**Mr Young:** Thank you. Actually, I might ask—

**Ms Leigh:** No, you start, Michael, if you like—

**Mr Young:** I was going to ask—

**Ms Leigh:** I will leave that up to you—

**Mr Young:** —Janet Wilson to come up and speak about some of the whole of government initiatives that are going on in terms of training, and there are multiple, across sort of adjustments that we have made to our own recruitment induction practices as well as broader cultural training.

So I will introduce Janet Wilson.

**Ms Wilson:** Thank you, Michael.

Hello, I am Janet Wilson. I am the Executive Group Manager of the Future Workforce Strategies Group. And my remit looks after the training for whole of government as well as cultural transformation branch as well. And I have read and endorse the privileges statement. Thank you.

**THE CHAIR:** Thank you.

**Ms Wilson:** Look I think probably one of the key initiatives we have put in place in addition to the work that is being done within directorates, because directorates provide a lot of training in house as well. But one of the things we have doing over the last few years is implementing inclusion training more broadly. It includes unconscious bias training, which speaks to some of the challenges we have got with systemic racism, as you were talking about just recently.

Over the last little while we have had 4,823 modules completed of that inclusion training. That is across a range of subjects, but it really is about lifting that—broadly that inclusion ability within the service and making sure that people are having respectful conversations, that we are understanding different people's point of view, and to generally create a culture of inclusion in the ACT public service. That is probably the key one.

But some of our leadership work that we do is very, very focused on understanding systemic challenges across something like a large complex public service like we have. That includes being able to really listen to each other's points of view, ask respectful but challenging questions of each other, and to really look at things in the context of today's world and where we are heading as a service. So it fundamentally sort of goes to some of those challenges that we have across the service and in the community more broadly.

That is just a couple of examples.

**THE CHAIR:** Thank you.

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Is the content designed and delivered by local Aboriginal and Torres Strait Islander people or organisations?

**Ms Wilson:** So the content for the inclusion programs is an online program, specifically the whole of government one, which was developed by SBS, the broadcasting corporation. And they included consultation with first nations people in the development of that.

Within directorates we have a number of programs like unconscious bias training that is delivered face to face. And my colleague, Rob Wright, would probably be better placed to talk about that specifically. But it is delivered by first nation people.

**THE CHAIR:** We have a range of questions on notice, as we have a lot more workforce questions. But we are just going to move onto the budget now, if that is okay?

**Ms Wilson:** Thank you.

**THE CHAIR:** Thank you.

**Ms Leigh:** Did you want to hear about CMTEDD in relation to training.

**THE CHAIR:** I am just a bit cautious of time. Yes, we can put them on notice.

**Ms Leigh:** Okay. Thank you.

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

How does budget and Cabinet inform themselves of the impact of policies, projects and programs on the wellbeing of Aboriginal and Torres Strait Islander people in the ACT?

**Mr Campbell:** Ross Campbell, Deputy Under Treasurer, Budget. I understand the witness statement as well.

So as part of the budget process there is quite a dedicated process gathering information and priorities around some of the areas of focus that we would be looking from the Aboriginal and Torres Strait Islander community. And that is quite a bespoke single one on one consultation. And we also now provide a—on the other side of budget, an outlining of how the process is played out which particular program's monies are being spent in.

But another really key part of informing Cabinet and the process for decision making is using the wellbeing framework as part of our budget business cases. It is quite an extensive piece of work that goes on there. And there is a larger round of consultation around directorates for each of their particular proposals about what the impacts might be on particular groups, including Aboriginal and Torres Strait Islander, and specifically areas where there is a dedicate focus. So a good example would be the Winnunga Aboriginal Health Community Services Project, the Watson precinct. So things like that where there is a very specific targeted approach. That is where we will dive even deeper as part of that feeding in process to make sure we have covered all bits and pieces.

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The other part of the process is there is an expectation of, within the directorates, of review and management of the programs and are they effective? Are they meeting needs? That is a broader question around evaluation of programs generally. But there is an expectation, particularly in this area when we have an agreement in place that we look very carefully at the success of those.

**THE CHAIR:** How much of the Watson project funding is actually for Winnunga?

**Mr Campbell:** Is for what, sorry?

**THE CHAIR:** Is actually for Winnunga?

**Mr Campbell:** It is \$17.4 million for that. So I think it is about a \$50 million total spend for that whole precinct. And of that it is \$17.4.

**THE CHAIR:** \$17.4 to Winnunga?

**Mr Campbell:** Yes.

**THE CHAIR:** How do you look for outcomes for our community on submission, not just specific measures, how do you use the outcomes framework for our agreement?

**Mr Campbell:** As part of the business case development there will be an expectation that there has been some sort of mapping against those.

**THE CHAIR:** Okay.

**Mr Campbell:** Beyond that, I mean we obviously have the additional opportunity to get written submissions from different community groups about areas of focus. I think beyond that it might be—they are probably the main ones, it part of the wellbeing business case development.

**THE CHAIR:** That is it from me. Any more questions?

**MS MCGRADY:** None for me, thank you.

**THE CHAIR:** Thanks for that.

Can you provide the number of Aboriginal and Torres Strait Islander people who have assessed our systems through the Indigenous Sports Program in the ACT administered out of Wreck Bay?

**Ms Leigh:** Ms Arthy will just speak to that.

**Ms Arthy:** The sports grants program is actually a commonwealth government program, so we have no knowledge or oversight of how many grants have been administered at all, even how it is administered. It was—the commonwealth made the decision back in 2019 that the ACT government would no longer administer it. They preferred an Aboriginal and Torres Strait Islander organisation. And responsibility was

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transferred to Wreck Bay. And I have no further information since we handed over administration.

**THE CHAIR:** What funding has been provided, and to whom for indigenous sports participation?

**Ms Arthy:** I would have to take that one away because I think it would be funded through nearly—we fund sport by sport. So we would have to go and talk to each sport about things that they do in particular. That would actually take a fair bit of time for us to pull together. But I am happy to take that—

**MS MCGRADY:** On notice.

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

**Ms Arthy:** —but it will not be a quick answer unfortunately. We will have to take that through—

**THE CHAIR:** Yes. What accountabilities are associated with the funding?

**Ms Arthy:** Well funding to all the sports, they are all managed by contract in the usual way to deliver outcomes in relation to whatever grant program it relates to. So I would have go—as I said, we would have to go nearly sport by sport to look at the Aboriginal and Torres Strait Islander aspects of it. And so that will not be an easy task, but we are happy to have a go.

**THE CHAIR:** Do you require sports to show how they deal with racism as part of your grants?

**Ms Arthy:** I know my—the Head of Sport and Recreation is sitting next door. So unless she texts me otherwise. So I have got, funded organisations are required to have WRAPS in place or committed to develop one. So every time we fund, that is how we manage our relationships there.

**THE CHAIR:** Thank you.

Canberra is the cheat of technology.

Provide an update against the national agreement table of 65 per cent of Aboriginal and Torres Strait Islander—

**Ms Leigh:** I beg your pardon, Chair. I am just waiting for the CIT.

**Ms Arthy:** I can start with this one.

**THE CHAIR:** Okay.

**Ms Leigh:** Okay, thank you.

**THE CHAIR:** Provide an update against the national agreement target of 65 per cent

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of Aboriginal and Torres Strait Islander youth, 15-24, are in employment, education or training, by 2028. At the last hearings this was at 78 per cent. Now it is tracking, in 2023 and every year since. How is it tracking?

**Ms Arthy:** This particular measure is made up of a lot of different components. And I believe Mr Mehrton might have the composite number, because it is more than just vocational education and training. So CIT and us are responsible for the vocational education and training elements. And I might take the opportunity that there is a lot of statistics when it comes to training. And previously we have provided the board with a report that summarises everything. And I am very happy to provide that again so that you have got that on record, rather than having to furiously take notes now.

**MS MCGRADY:** Thank you.

**THE CHAIR:** Thank you.

Write an update against the national agreement target of 47 per cent of Aboriginal and Torres Strait Islander people, 20-64, have completed certificate III or above, including higher education by 2028. How are you going to close this gap?

**Ms Arthy:** Again this is a composite. These statistics are quite difficult to compile, because it relates to universities as well as vocational education and training. What we can talk about, and what we can provide you in the report, is that when it comes to the vocational education and training elements that the ACT is performing quite well in that, particularly when it comes to Aboriginal and Torres Strait Islander peoples who are employed after receiving training, significantly higher than every other state and the national average.

Also, in the terms of comparison with the non-Aboriginal and Torres Strait Islander community, the participation rates are quite high. And I apologise, my device has just frozen on me. And I cannot actually read the numbers. But we have, I believe, in vocational education and training, the participation rate for 15- to 64-year-olds, I think is 13.8, off the top of my head. But again I will provide that in the update. And my apologies as my device has frozen.

**MS MCGRADY:** Thank you.

**THE CHAIR:** Mr Walker.

**MR WALKER:** Just a reminder to the directorate I guess is that these targets have been part of the agreement and they should be reported on it every year. So those numbers should be accessible.

**Ms Arthy:** Yes, for me it is just the area I am responsible for is around vocational education and training element of that. In terms of how they are pulled together I am not as across how that comes together.

**Ms Leigh:** I can say that, at this moment the government is in the process of pulling together the data for this year's report.

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**MR WALKER:** Thank you.

**THE CHAIR:** Thank you.

For the Women in Trades Program, can you tell us how many Aboriginal and Torres Strait Islander women participated?

**Ms Arthy:** I would have to take that on notice. I do not have that degree of information here with me. The Women in Trade, we administered that through a third party. And I do not know whether that third party will have recorded that level of information. But we will investigate and see what information we do have.

**THE CHAIR:** What were the strategies to attract and promote this opportunity to the local community?

**Ms Arthy:** For Women in Trades in particular?

**THE CHAIR:** For women, yes.

**Ms Arthy:** Yes, we will have to work with the organisation who ran that. Again, we will provide that information.

**THE CHAIR:** Thank you.

How many Aboriginal and Torres Strait Islander students are accessing the ASBA?

**Ms Arthy:** ASBAs. So I will provide that in the update that we were talking about—all I have here at the moment. 92 per cent of first nation ASBAs were employed afterwards. My apologies.

If you want to go to the next question, I can—I know I have got it somewhere in my pack. I can provide it as we go.

**THE CHAIR:** Okay. How many of your other programs, excluding Yurauna, contain Aboriginal and Torres Strait Islander content?

**Ms Arthy:** Okay, this one I will need to refer to CIT because I am part of the department. So I will refer to that and I will find the information around the ASBAs for you.

**THE CHAIR:** How have Yurauna staff and community been engaged in the relocation of Yurauna?

You are going to answer that question.

**Ms Anderson:** I will answer the other one.

**THE CHAIR:** Okay, you answer the other question.

**Ms Anderson:** So my name is Jo Anderson, I am the Executive Director of Education

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Futures and Students at CIT. And I have read and understood the privileges statement.

So I understand your question was about how we are embedding Aboriginal and Torres Strait Islander perspectives across the board at CIT?

There are a number of ways we are doing that. So we are very committed to celebrating reconciliation week at all campuses. And to that end each campus has a welcome to country ceremony and a smoking ceremony. We hold yarning circles during the day and engage all staff and students in those activities.

We are also really committed to embedding Aboriginal and Torres Strait Islander perspectives across the curriculum. So for example, we run a year 12 program, and we are actually required by the Board of Senior Secondary Studies to ensure that all the subjects we deliver have those Aboriginal and Torres Strait Islander cross cultural perspectives embedded in delivery.

We also use every opportunity we can, for example, in our creative entertainment and design industry courses, we try to—we work with students to make sure that we are embedding different perspectives in exhibition pieces and artistic creations and in the productions as well. We invite guest speakers in to ensure that students are hearing first hand from indigenous artists, for example, but also to upskills our teachers to ensure that there are no opportunities that are missed.

**THE CHAIR:** Thank you. How have Yurauna staff and community been engaged in a relocation of Yurauna?

**Ms Anderson:** So Major Projects Canberra would have some more information on this topic. But what I can say is that I understand that there is a procurement out at the moment for design consultancy services and that closed on 22 June. And those proposals are currently being evaluated. But I also understand that from inception the community has been involved in the design and scope of what Yurauna at Bruce should be in terms of its function and structure.

**THE CHAIR:** How will Indigenous students at CIT in Woden be supported?

**Ms Anderson:** Indigenous students at CIT at Woden will be supported in the same way that all of our first nations students are supported. So you would be aware of CIT Yurauna who provide particular support. But we also have Yurauna providing outreach across the whole of the institute and also working with our student's services team to ensure that all our first nations students are as supported as they can be through their studies.

**THE CHAIR:** How many students transition from CIT programs to tertiary education?

**Ms Anderson:** I would not have that information. I can take that one on notice.

**THE CHAIR:** Thank you.

**Ms Anderson:** Yes.



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**THE CHAIR:** Can you provide the attainment levels and completion rates for Aboriginal and Torres Strait Islander people where funding was provided under the Australian Apprenticeship and Skill Capital Program?

**Ms Anderson:** Sure. So I do not have the data with me in relation to Australian apprenticeships. I do have information on how many Australian School Based Apprentices have been through CIT. So over the last five years we have trained 57 school-based apprentices. Notably, there are 26 enrolments this year. so we have actually seen quite a sharp increase over the last five years which is really fantastic.

The top three qualifications our school-based apprentices have studied have been Certificate III in Allied Health Assistance, Certificate III in Plumbing, and the Certificate III in Landscape Construction.

I think the second part of your question was about skilled capital. So skilled capital, the numbers for skilled capital have declined. So there has been variation in the rollout of skilled capital and the most recent program providing fee free vocational education and training is fee free TAFE. But what I can say in relation to skilled capital is over the last five years 52 students have been enrolled in skilled capital programs. Those programs would sit outside the programs that are studied by our first nations students at Yurauna.

**THE CHAIR:** What has been the conversion to employment outcomes post training?

**Ms Anderson:** That one I will have to take on notice. That is not part of the data set that CIT would necessarily have—

**THE CHAIR:** Okay.

**Ms Anderson:** —but we will work with our colleagues in Skills Canberra to provide that information.

**THE CHAIR:** Member Chivers has got a question.

**MS CHIVERS:** So, Jo Chivers.

I have a specific question in relation to community-controlled facilities. Can you please provide an update on the transition of Boomanulla Oval to community control as per the ACT agreement?

**Ms Leigh:** That would be better directed to CSD and TCCS, because they have the responsibilities in relation to that project.

**THE CHAIR:** That concludes the questions for today. Thank you for your attendance. We look forward to receiving your responses with the questions taken on notice.

**Short suspension.**



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**THE CHAIR:** Good morning. My name is Tanya Keed. And I am the Chair of the Aboriginal and Torres Strait Islander Elected Body.

I am joined by all members of the Elected Body and would like to introduce them. Paula McGrady, Deputy Chair with portfolio of the Transport Canberra and City Services, ACT Health and our representative on the coalition of Peaks. Maurice Walker, Member with the Education and Community Service portfolios. Jo Chivers, Member with Justice and Community Services portfolio. Deanne Booth, Member with Major Projects Canberra portfolio.

Environment Planning and Sustainability Development as a directorate has a very positive contribution to make through the Pacific Initiatives in caring for country. Cultural tourism and strong relations sit with the traditional owners. We are however deeply concerned by the reluctance of directorates to engage in positive dialogue with the Elected Body on the phase 2 implementation plans. The Elected Body has not yet seen the complete plans and associated documentation and we are concerned that there are requests to significantly water down the directorates commitment that were made in 2019.

We know on the positive side the opening of the Wildbark Education Centre at Mulligans Flat Nature Reserve has been positively received and provides further opportunity for the employment and sharing of local culture.

I hope that these hearings clarify the position of the Elected Body that we seek a positive collaborative relationship with you.

Please, could all witnesses that give evidence during the hearings acknowledge the witness statement for the record.

I would like to invite the Director-General, Ben Ponton, for any opening statements before commencing the questions. Please limit your introductory comments to two minutes.

**Mr Ponton:** Ben Ponton, Director-General, Environment, Planning and Sustainable Development Directorate. I have read and acknowledge the privileges statement.

My understanding was that the Elected Body was not asking for opening statements. But what I will say at the beginning is that you will see that I have got a number of people here to join me, that is my executive management board. And whilst I am not expecting that all of the executive management board will be responding to questions I felt as though it was important for the board to be here to hear firsthand the questions that you are asking. And that is part of our ongoing commitment.

And in fact, we have learned through the recent audit that we, as an executive management board, can do more and do better in relation to monitoring our progress against the agreement. So we now have a standing item on the executive management board agenda in relation to not only our Reconciliation Action Plan, which has been there for quite some time, but also Closing the Gap Priority Reforms and also the ACT Agreement and Monitoring Actions as an executive management board. So that is why you see the people that you have here today.

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In addition we have portfolio CEOs from the City Renewal Authority and the Suburban Land Agency. So if there is any particular questions for those agencies, I will ask Mr Snow or Mr Deitz to join us.

**THE CHAIR:** Thanks Ben.

Now with the Priority Reform 1, Partnership and Shared Decision Making, how is the directorate working with the community sharing decision making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community?

**Mr Ponton:** Thank you for that question. And I will start and then I might ask my colleague, Mr Burkevics, to expand.

So there is two aspects in relation to that question. And if I—I have a tendency to talk too much, so if you think I am dabbling on too much, feel free to—

**THE CHAIR:** I will let you know.

**Mr Ponton:** —cut me short.

**THE CHAIR:** I will definitely let you know.

**Mr Ponton:** And we will move on.

So in relation to shared decision making I would like to ask Mr Burkevics to focus on the work that we have done with the Dhawura Ngunnawal Caring for Country Committee. So that started more in terms of consultation—as a consultation mechanism. But we have been working to make sure that that body is more than just consultative and engagement but working towards shared decision making in relation to particularly obviously as the name suggests, caring for country.

So Mr Burkevics will provide some further details on that and also in relation to partnerships where I will be honest, I do not feel as though we are doing as well in relation to building partnerships across the Aboriginal and Torres Strait Islander community more broadly. But I do feel as though we have made some good progress in relation to shared decision making.

But with that said, I might hand over to Mr Burkevics to expand further.

**Mr Burkevics:** Thanks very much, Ben.

And thank you very much, Chair.

Bren Burkevics, Executive Group Manager for Environment, Heritage and Water with EPSDD. And I have the pleasure of co-Chairing the Dhawura Ngunnawal Caring for Country Committee. I think certainly, in my time in that role over the past 12 months, it has been a big focus of mine to ensure that the committee is making joint and collective decisions in relation to matters of importance, not only the government but to the first nations community. I think over the last certainly six months, we have had

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a very new focus on agenda items that are very specific and that there is solid requirements for matters to come before the committee for decision.

So one of the things that we have done is ensuring that the agenda, it has some sharpness to it in terms of what is the purpose of an agenda item coming before the committee. Is it for noting? Is it for consultation? Is it for a decision? And I think that is greatly assisted members of the committee as well as community to be ready for the matters and to use their time very, very wisely. I am most aware of the load that is on the members at the moment of that committee. So I am very determined, as the Co-Chair, to ensure that their time is used wisely.

Some examples, as Mr Ponton has indicated, in relation to some joint decisions. And so one of the great achievements of last year was the construction and development of the Strategic Plan for the Mulligans Flat and that is—

**THE CHAIR:** Just a minute, Bren. Does the committee meet the elements for priority reform 1?

**Mr Burkevics:** I believe they do. Yes, absolutely in terms of joint decision making. And I noted your point there Chair, in your opening remarks about a view that the directorate was attempting to water down some of the commitments for the priority 1.

I think, and I do note we did write to the committee and received a response about a proposal to change one of the actions. And I thank the committee for that.

I think we note that taking—

**THE CHAIR:** Does it have a formal agreement?

**Mr Burkevics:** Sorry, was that?

**THE CHAIR:** Does it have a formal agreement?

**Mr Burkevics:** Sorry, the matter that we put forward?

Well I think it was in recognition that in being able to achieve a formal agreement there is a process of working out what a formal agreement—how it works, and a joint management agreement. I suppose that is the operative word, what it is a joint management agreement?

So in my mind, as the new Chair of the committee, I asked the committee, well what does joint management mean? How does it work? What are the responsibilities? That is something I was not able to get an answer to. So I thought rather than pitch for a joint management agreement we have to work through what that actually means.

That resonated really, really well. we have got a number of workshops planned this year to further unpack what joint management will mean in relation to Namadgi National Park.

**THE CHAIR:** For it to be a partnership it has to have an agreement.

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**Mr Burkevics:** Absolutely. And I think our—noting the length of time that has been ongoing, in terms of discussions, I sense that to really accelerate some of that work it would be most appropriate that community and government representatives get together to discuss how joint management might work.

I have been advised that there is a number of good facilitators that would help facilitate that session. And so we have got some work planned for the remainder of this year to really get down to the nuts and bolts around what a joint management for Namadgi might mean and how it might work, before we embark on let us—say, how we might write it.

**THE CHAIR:** How are ...(indistinct)... [11.07.38] when they have a country in the national park as well?

**Mr Burkevics:** Look I am not aware that they are at the moment. Although I suppose it has been made very, very clear to me that there are a range of family groups and individuals that will have—be very, very interested in participating on the journey towards a co-management agreement, however that plays out.

I think we have seen some rarely, and I use the example of some of the discussions that are happening about heritage reforms at the moment, there has been some really positive discussions—they challenge you, I might add, with a wide number of community representatives. So I would expect that as we continue the journey on finding out and determining what a joint management agreement is, we will be keen to consult as widely as we can, which is an absolute commitment.

**THE CHAIR:** Can you provide three examples of where you have shared decision making within the community against the ACT Agreement? How was this decision making formalised?

**Mr Burkevics:** Well I think—I suppose all matters that come before the Dhawura Ngunnawal Caring for Country Committee, I suppose are subject to potential decision. And so I would like to say that every meeting the committee is being asked to make a decision on a matter and provide advice or decide on a way forward. So I think every meeting of that committee is about making joint decisions on a way forward.

I think there are a number of—the most recent meeting that was co-Chaired, there were decisions made about the way forward on developing areas—

**THE CHAIR:** Can you just—Bren, three examples—

**Mr Burkevics:** Yes.

**THE CHAIR:** —the question that was asked, please?

**Mr Burkevics:** Sure.

I would say an area up in—a development area up in Watson, there was decisions made about how best to incorporate Ngunnawal values into that development area. There was

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decisions made in the Caring for Country Plan of how to progress that plan. And I think a number of decisions made on how best to progress cultural burning opportunities within community, which I understand as a high priority.

So they are just three short examples.

**Mr Ponton:** And water, Mr Burkevics. Did you want to talk a little bit about water?

**Mr Burkevics:** Yes, absolutely. Thanks, Mr Ponton.

Several discussions and decisions made around cultural water assessments, which are ongoing. So I am very interested with the way—

**THE CHAIR:** And these three were for the community or any of them for the—

**Mr Burkevics:** Through the DNC, which is representatives of community. But of course we have had a number of community days where community has the direct opportunity to influence and participate in the decision-making process on land management matters and cultural matters.

**THE CHAIR:** A question?

**MS CHIVERS:** The Caring for Country group, who are they made up of? Are they representative of like all traditional families in the ACT that have a connection to this country?

**Mr Burkevics:** Indeed. Indeed. One of the requirements, if I am not mistaken for the committee—to be a member of the committee is have to live on country. now that—the committee has served its term, so we are going through a process now to call for new members. So that process is underway. But absolutely, all the members of the committee are representative of the ACT, they have got the opportunity to be considered. And community, I think, nominate and votes on the process for who will be members of the committee.

**MS CHIVERS:** Okay. I would like to request that the Elected body get some more information about that process and about that committee as well.

**Mr Burkevics:** Yes.

**MS CHIVERS:** Thank you.

**Mr Burkevics:** I can certainly provide the committee quite quickly with the terms of reference for the Dhawura Ngunnawal Committee, and maybe a description of how we propose to go through the process to ensure that everybody has the opportunity to be considered.

**MS CHIVERS:** That would be great, thank you.

**Mr Burkevics:** You are welcome.

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**THE CHAIR:** Just going back to the three examples, to what level was it funded?

**Mr Burkevics:** Well I could not talk specifically. But certainly the decisions that were made in relation to incorporating cultural values up at Watson, well that is a development area that I believe is planned and ongoing throughout areas outside of my remit. But certainly, yes, it is a funded development area.

I think the cultural burns, well there is always opportunities within the directorate for cultural burn opportunities. And one of the recent investments by the government was \$250,000 as part of the Conserving Canberra budget bid to engage with first nations communities on conservation matters and land restoration. So that is—and they are ongoing discussions. Those discussion probably happen every week with our wonderful community.

**Mr Ponton:** Sorry Chair, and in relation to the Watson matter, I am happy to provide that detail of the funding specifically for that, for the Watson site, no notice, if that is okay with you?

**THE CHAIR:** Yes. Thanks, Ben.

Priority Reform 2, building the Aboriginal community-controlled sector engagement with ACCOs. How many local ACT based ACCOs have you worked with in the last two years? Ben?

**Mr Ponton:** Yes.

**Mr Burkevics:** How many?

**MS MCGRADY:** He does not know what ACCO is?

**Mr Burkevics:** Yes, sorry.

**THE CHAIR:** Aboriginal Community Controlled Organisations.

**Mr Burkevics:** Yes, I would have to take that on notice because the number off the top of my head is—well I do not have that data available before me.

But I do know that we regularly engage and contract the services of a range of Aboriginal organisations. And I am pretty sure over this last weekend, at the Volunteers Conference we engaged a number of businesses to help. Certainly in terms of our cultural burning. That is delivered by an Aboriginal business. As well as I think a number of our facilitated committees as well, engaged. But I am happy to take that on notice as well—

**MS CHIVERS:** Jo Chivers.

Whilst I note that you were talking about businesses, indigenous businesses are not Aboriginal community-controlled organisation. There is a distinct difference.

**Mr Burkevics:** Well thank you for that clarification. As I said, I am happy to get further

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information on that one.

**THE CHAIR:** Who are those organisations, Bren?

**Mr Burkevics:** Well I think Tim Brown. Of course all of our RAOs are businesses in their own right. So they are regularly engaged on different matters of importance. We have the King Brown, which does—provides cultural burning opportunities and other services. And I am happy to get other examples as needed.

**Mr Ponton:** And I know it is a business more so than controlled organisations, but we have been trying to think about some boxing terms of how we provide opportunities in our work for the involvement of Aboriginal controlled businesses as well as community organisations. And one that comes to mind, and look it is not local, but it was—we thought it useful and very valuable from our perspective, exercise with the recent planning reforms and looking at policy work. We really wanted to consider how we can better reflect traditional knowledge and culture in the planning system and designing for country.

And the first step in that was thinking about some legal issues, so we actually engaged an Aboriginal controlled legal firm to undertake some work for us, which is a really useful input into the current planning reforms that the government is currently settling.

So, you know, I guess we started small, in terms of looking at business opportunities. Then we have started to expand that in terms of a lot of policy input, in terms of what we might be able to do. And then, Mr Burkevics will provide some further details in terms of community organisations as opposed to those other opportunities.

**THE CHAIR:** How have you helped existing Aboriginal community organisations sector to grow in size or grow to scope for services?

**Mr Burkevics:** Well I think in terms of, as I said, Aboriginal controlled organisations I would need to seek some further advice. But I do have I suppose some specific examples of businesses that we work regularly with.

True Tracks by Terri Janke company, Indigenous intellectual property rights and other legal rights that we have been liaising with on some policy matters. Understanding Trauma by Burbirra, cultural support capacity building, Engoori by MurriMatters, engagement and relationship building skills, indigenous leadership by Koori, leadership skills again, and Ngunnawal Engagement by the King Brown Tribal Group. So they are businesses in terms of—yes, the Aboriginal controlled organisations. I would need to seek further advice—

**THE CHAIR:** How are you progressing with transitioning services to Aboriginal community-controlled organisations?

**Mr Burkevics:** I would like to say we are—there is no need to transition because we already engage organisations on a regular basis. So I would like to say that we continue to look for more opportunities to engage Aboriginal controlled businesses and organisations for the work that we do within the directorate—



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**Mr Ponton:** And in saying that it is probably, Chair, more in Bren's space. It is more difficult because of what I understand do you mean by the transition. In the policy areas or in relation to our regulatory roles. But as I said, that does not mean that we are not looking at opportunities for greater involvement.

So again, while Bren is talking about how we manage country, in the policy space or the regulatory space we are also currently—we have completed some work and wanting to do more. And we are just working through how we can best engage with the community on the planning review work, in terms of designing from country. So again, when people start to think about a new area for development, the starting point is thinking about Aboriginal culture and how that can then permeate through a new development.

So we are looking at it from a number of different lenses. But that would not be a transition to control. That would be more in Mr Burkevics' space, in terms of the environment space.

But also heritage as well, which you touched on earlier, Mr Burkevics.

**THE CHAIR:** What new community-controlled organisations have been assisted to be established?

**Mr Rutledge:** I cannot think of any.

Sorry, Geoffrey Rutledge, Deputy Director-General. I cannot think of any.

**THE CHAIR:** Indigenous procurement policy. How are you engaging with Aboriginal and Torres Strait Islander businesses?

**Mr Ponton:** I might ask Mr Simmons to come to the table. Mr Simmons has been leading our work in this space. And he would be best placed to answer those questions.

Thank you, Mr Simmons.

**Mr Simmons:** Good morning—

**THE CHAIR:** Morning.

**Mr Simmons:** Craig Simmons. I am the Executive Group Manager for Corporate Services and Operations. So that includes our finance information and assets branch as well as our people and capability and governance arrangements.

So we have procurement policy within that. So we have the two per cent target that the rest of the ACT government has.

To be absolutely up front it is a struggle to meet the two per cent target. We have been looking for opportunities. Traditionally within our directorate, it has been the case that people will look to the parks and conservation service and the environment as an area where we would expect to see a spend in that area. That is not enough to meet the target, so the question is how do we start to engage with other types of businesses that are more



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about what the work of the rest of the directorate has? And that has been a struggle.

We have done a couple of things. Recently, towards the—it must have been the beginning of this year, we met with—so we are looking for some executive search, but in talking to that organisation, which was an Aboriginal-controlled business, we spoke with them not just about the executive search but what other services they could provide. In particular, did they have a program about using cadets or other programs where we might be able to support a program like that?

So what we have done in another area of our corporate services is we took a full-time position which we could have—we were not sure what we were going to do with it, so we actually turned it into three part-time positions and went to each of the tertiary institutions and spoke with the Indigenous support groups within the universities and other places.

We had success with Tjabal Centre at ANU, and out of that in the first year we got three Indigenous students. What we have looked at is when we have come to things like the graduate programs, the ACT government has traditionally struggled because of the competition from the commonwealth in trying to get Indigenous graduates, so our thought process is we need a longer runway. We need to get people interested in what the ACT government does whilst they are in education, not when they have finished education. That is why we started that program.

**THE CHAIR:** Craig, can I just let you know this is not about employment. The question is about the business procurement.

**Mr Simmons:** Sorry.

**Mr Ponton:** I think, Craig, you had started that line of answer based on the executive search, and I think that is the important point. Again, this is going back to my earlier point, Chair, that we are looking at not just relying on the environment and heritage side, but thinking about what else we can do, so that is a good example in terms of executive search. But Mr Simmons, you might want to talk a little bit more about what you have been doing in terms of encouraging and guiding our employees to think differently, not just—

**THE CHAIR:** We have got questions that you can answer that could help with that.

**Mr Ponton:** That might help, yes.

**THE CHAIR:** What is the number and value of contracts that you have that support the Indigenous procurement policy?

**Mr Simmons:** The exact numbers I will have to come back to you on notice, because we are currently doing our annual report. As you would appreciate, the end of year contracts come through post-30 June, so they are still being worked through to get the exact numbers of those. We will have to take that on notice and come back to you on it.

**THE CHAIR:** As a percentage of spending, how much is spent with Aboriginal

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businesses?

**Mr Simmons:** At the moment the estimate is about 0.41 per cent.

**Mr Ponton:** This is an area—can I just add, Chair—where through our Executive Management Board, by having that standard agenda item, we are wanting to really drive this. This is relatively new in terms of a particular focus for us, but I know for Mr Simmons, certainly over the last 12 months it has been a particular focus of his to get it up from that and get closer to the 2 per cent. The best way that we can do that is to move away from smaller value projects. That legal services one that I mentioned earlier—I mean, that was just shy of \$25,000, so we are trying to get some larger procurements that we can use to demonstrate our commitment to that policy.

**THE CHAIR:** It has been four years.

**Mr Ponton:** This is an area that we know that we have to do better, and we absolutely are focussed on this. Again, Mr Simmons, if you want to talk a little bit about some of the other work you have been doing with our leadership group in relation to—

**Mr Simmons:** Thank you, Chair—

**THE CHAIR:** In relation to mainstream organisations, what are the specific requirements that those organisations must have to guarantee access to services in the community? Do you want me to read that again?

**Mr Simmons:** Yes.

**THE CHAIR:** In relation to mainstream organisations, what are the specific requirements that those organisations must have to guarantee access to services in the community?

**Mr Simmons:** You are talking about businesses that are—so if we were talking to a firm that was coming in to give us advice on planning, what requirement would they have to engage with Aboriginal and Torres Strait Islander-owned business?

**THE CHAIR:** Yes, and access to services in the community. Yes.

**Mr Simmons:** I am not sure that I can give you an answer to that.

**Mr Ponton:** No, but having said that, if I may—and stop me if this is not helpful—in the policy space—so we are again going back to legislative provisions and policies, so again that is so we do not rely on Mr Burkevics' area. A recent change to the planning legislation, so the new Planning Act, in terms of developing policy: there is now a specific requirement in relation to acknowledging culture of Aboriginal people, and in developing policy there has to be a regard to that provision in terms of the legislation.

What that will start to drive is, as we start to go out for consultancies on planning policy matters, there will be a requirement for them to demonstrate how they have met that provision. We are trying to deal with this from a number of different ways, and actually getting that provision—which again I will say to you is a starting point, but it is in the

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legislation now. It is one of the first in the country to have that specific requirement for consideration of policy development. I would like to see us start to develop that in other legislation that we are responsible for, but it was a significant shift. Perhaps with a review in three years' time we can strengthen that even further.

**THE CHAIR:** These changes—is that what is delaying you the four years? Is that the delay?

**Mr Ponton:** No, absolutely not. What I am saying to you, though, is that I am just trying to think—there are easy wins. In terms of procurement, yes, you can do the really simple, small-scale things like catering, but is that really what we meant when we signed up to this? I do not think it is. So what we are trying to do is think of a whole range of other ways that we can deal with this.

That legislation and the planning reform—that has been a four-year exercise, so yes, that is taking time, just because of the processes that we need to go through. There are other things that we can do really quickly in terms of the things that Mr Burkevics is responsible for, and Mr Simmons working through the corporate space to educate.

I guess what I am saying is there are different scales to this. There are things that we are doing that are lower-scale. The legal services, that was one that we—again, trying to think about how we can actually deliver on the policy at high value items is what I am committed to achieving, rather than just doing, “What are the small-scale, easy wins?”

**THE CHAIR:** Maybe when we have our monthly catch-ups we can work that through and make it accountable there. Just let me read this question again. In relation to mainstream organisations, what are the specific requirements that those organisations must have to Aboriginal and Torres Strait Islander staff within the organisation?

**Mr Ponton:** I think what we are saying is that—

**Mr Simmons:** We do not have any that are specific; that say if we were, say, contracting an accounting firm to come and do—at the moment, for me one of my big accounts would be getting the auditors in to do an audit of our accounts. Well, that will go to one of the panels, and they will be panel providers of the ACT government. That is our requirement to go there. We will pick somebody up, but the accounting firm will not have a requirement, because they are looking at our accounts.

**Mr Ponton:** But Craig, as a starting point, you would look at whether or not there is an Aboriginal-controlled accounting firm.

**Mr Simmons:** That is right.

**Mr Ponton:** The thing I am hearing is in terms of what you are looking for, Chair: there is nothing specific in terms of a requirement in the scope that says X, Y, Z in relation to engagement with Aboriginal or requirements to employ Aboriginal people. That is certainly something that we can consider further. That is a really good point.

**THE CHAIR:** We have got to move into our Priority Reform 3: Transforming

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Government Organisations—the ACT Agreement. How is your directorate implementing the ACT Aboriginal and Torres Strait Islander agreement as part of your core business?

**Mr Ponton:** Yes. I might start, and then Mr Rutledge, do you want to make some comments on this?

**Mr Rutledge:** Yes.

**Mr Ponton:** In terms of core business, that is why elevating to have those three standing agenda items on our Executive Management Board is important. Deputy Chair, I think you were at the cabinet meeting recently. I think I can share this—I probably should not, but the Chief Minister made a comment about actually sometimes just having things listed is really important in terms of changing the way that people think. That is why we have done that, so that at the very senior levels in our organisation, every meeting we are considering these items and we are asking for an update from the relevant areas.

What I am expecting to see then is that we start to have cascade down into other teams the same approach, where it becomes business as usual that people are thinking about the agreement and people are thinking about what they need to do to deliver, because I think up until probably the last 12 months that has not been the case, and other things become priorities. The things that are on the agendas are the things that we focus on, so let us make sure that we have got those items listed so that it is every fortnight for our Executive Management Board something that we as a leadership group talk about, and then we can drive that through our organisations. That would be my opening remark in terms of making sure that implementing the agreement is business as usual. Mr Rutledge, did you want to add?

**Mr Rutledge:** Yes. I suppose just two quick ones. Mr Simmons started to talk about this earlier about trying to work out how we can elevate the presence of Aboriginal and Torres Strait Islander and First Nations people within our workforce, because then that brings you the knowledge not only just on the item that they are directly employed to, but we understand that it leads to a greater sense of—I suppose a sense of knowledge and First Nations knowledge, both from that person and understanding from others.

I think the recruitment and retention and the training that we run through our people and capability branch are some of those. Promotion. We talked about and Mr Simmons started to talk about that. One contract that maybe slipped his mind—we just signed a five-year contract to look after maintenance and cleaning of our depots, and that is \$1 million over five years. Again, we went through Supply Nation to do that, and so that is \$270,000 a year over five years. I mean, they are bigger numbers than what we are talking about.

I think it is about, as Mr Ponton was saying, just having it front of mind. Mr Ponton said that when we are looking at some of our service delivery, you know, is there a key element in the procurement? Maybe there is not a key element in the procurement, but then our procurement values would mean that when the tender evaluation panel looks at those—if they are a culturally safe organisation, if they have Aboriginal and Torres Strait Islander staff—that would be highlighted.

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Then there would be a few areas where, if we wanted to draw on First Nations knowledge—and the most recent one, I would suggest, front of mind for me is the consultancy around the heritage reforms. That is where we did build it in as particular criteria that we needed that to be the case.

**Mr Ponton:** If I can just add, Mr Rutledge, I have just been reminded through a note here that in fact many of our other contracts—just going back to that procurement piece, if I can—do make reference to the Aboriginal and Torres Strait Islander procurement policy, and an example that has just been highlighted here is work that we are doing on East Lake, where we actually had a specific reference in the scope and the contract which resulted in an Aboriginal-controlled organisation being engaged as one of the subconsultants.

I think that is reinforcing that point that as we as an Executive Management Board focus on this as business as usual, it is filtering down so that we are actually starting to see it appear in our contracts, which I think is—

**MR WALKER:** Just as a matter, we obviously just had the Head of Service before you guys came in here, and she talked about the six priority areas focus since 2020 of the agreement. What have you done to respond to that? I mean, you are talking at the moment as though you are going to focus on this and focus on that—

**Mr Ponton:** We are.

**MR WALKER:** —whereas we are four years down the track, and—yes.

**Mr Ponton:** No, I appreciate that. I certainly appreciate that. Maybe my language is not clear. What I am saying is that we have made changes with our Executive Management Board so that our Executive Management Board considers these issues as business as usual. That is now filtering down, and what we are seeing is in our contracts references to, for example, in this particular case the procurement policy, and then Mr Rutledge is talking about tender evaluations. That is all happening now, and I think that is coming from the fact that we are prioritising this as business as usual. This is every day.

People need to be thinking about the agreement and the priority reform areas nationally so that it is not something that we are planning to do; it is something that we are doing right now. In terms of what I am saying in terms of what we are going to do, I want us to improve. We know that we can build on this.

We started—going back to procurement catering opportunities—small scale easy wins. That is not good enough. We have been building that to the point that we are now getting legal services; planning consultancies, those sorts of businesses; recruitment agencies looking for executive staff; Aboriginal-controlled organisations helping us then also in terms of our recruitment. Because again, I do not just want our Aboriginal people in our organisation to be those entry level positions. We are targeting executive level positions.

**Mr Burkevics:** If I could make a couple of remarks, Chair, just in terms of reforming

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organisation practice. Certainly, as the group that has a very close working relationship with community, our head of our Traditional Custodian Engagement Team is a member of our group's leadership team, so that way all matters that are considered by myself and my colleagues in that group have the lens of its impact on traditional custodians considered. I found that really, really useful to have the head of our TCE team sitting across all matters that are brought before the leadership team that I have within our Environment, Heritage and Water group, and that has proven to be really, really successful.

I know recently my attendance at the AIATSIS conference—which again, there are a number of initiatives within the directorate to really sponsor senior executive staff to attend committees. I have made some thoughts known to the EPSDD Executive Management Board on ways that traditional custodian issues can be enhanced within the directorate, and they have only been recently discussed in the last couple of weeks, so I think we are seeing a real focus within the Executive Management Board on First Nation issues.

**MS MCGRADY:** We have four priority reforms, and the purpose and aim of these is about closing the gap, so it is about all of these areas being able to provide information that the gap is closing. That is kind of the crux of what we want to—what is really important to the elected body with our local agreement but also the national agreements, so being really clear about the priority reforms and making sure that they are really serving their purpose and that is closing that gap of disadvantage. That is something to always keep in your mind when you are considering all of these areas in your directorate. It is about closing that gap of disadvantage.

**Mr Ponton:** Absolutely, and that is why it is not just the agreement that we consider at each board meeting; it is also closing the gap priority reforms. We are making sure that actually cascades through so that we keep that front of mind.

If I may just really quickly—but we will provide detail in that question taken on notice—but in terms of what is in sight that Mr Burkevics was talking to, the investment there was a little over \$500,000.

**MS CHIVERS:** Jo Chivers here. A lot of your comments today—you keep talking about the traditional custodians—

**Mr Ponton:** If I may—

**MS CHIVERS:** —but I think my concern is as well, though, what about the broader Aboriginal and Torres Strait Islander community? The traditional custodians are absolutely critical and important, but the majority of the Canberra Indigenous community are not actually traditional custodians—

**Mr Ponton:** No.

**MS CHIVERS:** —so I am actually concerned that from a directorate perspective that you seem to be extensively focussed on the traditional custodians without the rest of the broader community.



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**Mr Ponton:** To be fair, I do not—and if my language has not been clear, I apologise. The reference to traditional custodians has been very much in relation to the environment and management of country aspects. The traditional custodian reference is also in relation to the planning legislation which is actually about country. The language—you would have heard me talk about Aboriginal and Torres Strait Islanders if you go back to the transcript where I am talking about the other things that we are doing. So the language I use depends on the particular work that we are doing.

So we were talking about procurement and legal services. We were talking about Aboriginal and Torres Strait Islander trial organisations, but, yes, I acknowledge that when I am talking about country I will talk about the traditional custodians.

**Mr Simmons:** Chair, if I may, just on two quick points. We have reorganised some of our resources around procurement to have a greater focus on procurement and putting people as these matters come. So we have got procurement expertise built out of one of my teams to assist people and making sure that they are following policies that we do—

**THE CHAIR:** Craig, if we have got time can we just come back to that. Because we have got a lot to get through—

**Mr Ponton:** And if we have time to, Chair, Mr Dietz—

**THE CHAIR:** Yes.

**Mr Ponton:** —I think wanted to make some comments. But maybe if we come back on procurement, was it Mr Dietz—

**THE CHAIR:** Yes. If we can come back to that.

We want to move onto systemic racism. What have you done to review your legislation policies and processes to identify and remove systemic racism?

**Mr Ponton:** Yes. So I am going to ask Mr Rutledge will comment on this. But also Mr Burkevics, I think wanted to make some observations in relation to this item.

Of course work is happening at a whole of service level. So you would have heard from, I am sure, the service this morning in relation to work that is being done at the whole of service level. We have representatives participating in that work. And then that is then fed back through to our executive management board. And again, through the board organisation in relation to what is coming out of that work.

I might go to Mr Rutledge—

**Mr Rutledge:** Go to Bren first and then—

**Mr Ponton:** Yes, okay. So Mr Burkevics did just want to—being relatively new to our organisation, and having the area that, you know, is responsible for managing country and most of our identified positions are within his area of responsibility, had some observations in relation to this particular matter.

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**Mr Burkevics:** Thanks very much Mr Ponton.

Thanks for this really important question.

For the year that I have been with EPSDD, I must admit that matters relating to systemic racism are few and far between in mentions to me. Which I think is a sign of the commitment made by the directorate to engage with Aboriginal people, whether traditional custodians or not, and the really healthy level of relationship that we have and respect.

I am sure you were briefed prior to this hearing that the whole of government policies and approaches that are in place. But certainly from my perspective, I hear very few mentions of—any issues associated with systemic racism in the directorate. And if there is, well those certainly matters are investigated quite quickly. But very—I have not heard of many in my time in the year, which is really, really pleasing.

**Mr Ponton:** And in terms of what we are doing—

**THE CHAIR:** It is not about HR.

**Mr Ponton:** No, in terms of what we are doing specifically—

**THE CHAIR:** Yes.

**Mr Ponton:** —I then go to Mr Rutledge.

**Mr Rutledge:** Yes. Thanks, Chair Keen.

Yes, I think this is one of those things, and I am reluctant to say that there is more work to do because I do not want you to think that we are doing nothing. But there is always more work to do. And I think just having key leaders, and we have a key leader sit on the whole of government working group on addressing systemic racism. And I think it is making sure that both their role is escalated so that we can address it wherever we see it.

And of course with systemic racism there is overt and covert. Part of being a safer organisation I think is hopefully we are getting better at identifying overt. And hopefully at some point we will be able to identify covert racism as it occurs.

I feel that—so one, being actively engaged in those committees, having all of those governance structures in place so that anything that is called out, and once it is called out, it gets escalated quickly. And I think we have talked a little bit about that today.

And then also just—and I know that the point is that it is not a HR thing but is a HR thing is getting a group of first nations people together and then making sure that they feel safe. And we do have a, I suppose a group—a staff group, if you will separately making sure that all of our non-Indigenous staff members are—eyes are at least open to the presence of this.

So I think that is where we are right now. I think we are in continuing awareness raising.



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I would say we have not discovered, going to Bren's point, we have not seen, and we do not even hear often the term of racism, which is interesting. But we are not blind to the fact that the fact that we are not hearing the term does not mean it does not exist. It just means that we have to look more carefully.

And that has also meant to have safe people across the whole of the organisation because some people will not want to go HR or, you know, they will not want to go to another senior indigenous person within our organisation. So we are all available, that is—I suppose that is what we are doing.

And I think again—

**THE CHAIR:** Geoffrey, can you just describe what structural discrimination is?

**Mr Rutledge:** What I would describe structural discrimination? My understanding of structural discrimination is whereas a non-indigenous person, or in the majority, we set up systems and processes that either deliberately or the effect would be that certain people will not make the progress through that organisation. And so that is how I would describe it.

And I would hate to think that we would do this, but a simple thing that you might do is have a tediously long process for application—tediously long role description, tediously long interview process and then just create a lot of barriers and then have a non-welcoming environment, unsafe people on that panel. And that would just exist and everyone along the way would think that they are doing their job. The impact would be certain groups of this community would not be able to proceed through to success in that organisation. That is how I would describe it.

**MS MCGRADY:** Thank you.

**THE CHAIR:** Thank you. Racism. How has EPSDD supported Aboriginal and Torres Strait Islander employees across the ACT public service to reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander within government systems by 80 per cent by 2028?

**Mr Rutledge:** I think doing what we are doing and doing it better would be the start of it. And some of it would be visibility and seeing that visibility. So Bren already mentioned that he went to the AIATSI conference, he was accompanied by other staff members, and then instantly came back and talked to us as the executive group about how we could do better. We had staff go to the Garma festival. And they will have learning from that. So I think that is what we would do.

How we would measure it is quite—happy to take advice on this. When we do our whole of government staff surveys, what we—we do have questions around bullying, harassment, in all of its forms. What we have seen in our most recent staffing staff survey is that evidence of that has decreased in the two years. So that is a regular staff survey.

I would, off the top of my head, I do not think we have a specific race based—we do have discrimination questions, but not based on race—

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**THE CHAIR:** How many instances of racism are generally reported within the directorate each year?

**Mr Rutledge:** Again, we would only have generic discrimination. Those numbers are quite low and decreasing. But I will take on notice that. And I will also take on notice a question about whether or not, without identifying people, because the numbers are so low, that it might be—it would be less than a handful. But I might take on notice whether or not we can do—to get more granular.

But as I say, those service wide staff surveys, which are full anonymous, that is where we do get some really deep and rich data about potential problem areas. And I would like to think that results, if we were not headed in the right direction, would pop up there. At the moment they are headed in the right direction. In another two years, let us hope that is the case. And if it is not, we need to do something even further.

**THE CHAIR:** How are they reported?

**Mr Rutledge:** They are reported—the staff survey we report—sorry, discrimination generally—

**THE CHAIR:** Yes.

**Mr Rutledge:** We report in our annual report. The staff survey we report both to our—so they become public. Our staff survey we brought to our executive team and then to all of our staff in its entirety. And so yes, so both of those are ultimately publicly reported so that we keep an eye on it. But I think more important, getting it right that people feel safe to make those reports without fear, that is the first thing. And then seeing those either reports, those results, and then choosing to do something different.

**THE CHAIR:** Geoffrey, did you say that there is a small number that is disclosed as racism?

**Mr Rutledge:** No, I said discrimination numbers would be small and therefore if I went even further, and this is what I will take on notice, whether or not that would be too troubling. Because as I say, even at discrimination levels it is, you know, we are a team roughly of 800 and roughly there is probably maybe 10 a year, or even less than 10 a year, of discrimination at all—

**THE CHAIR:** How many of them are Aboriginal—

**Mr Rutledge:** Off the top of my head—

**THE CHAIR:** —staff?

**Mr Rutledge:** We will not have that answer. I am saying, off the top of my head—

**Mr Ponton:** Of complaints or Aboriginal people—

**Mr Rutledge:** Sorry, complaints or staff members?

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**THE CHAIR:** Staff member.

**Mr Rutledge:** Number of staff members—

**THE CHAIR:** Of Aboriginals, you say that you have 800. How many of them sit in—

**Mr Ponton:** Yes. It is—

**THE CHAIR:** The reason I am asking—

**Mr Rutledge:** Yes.

**Mr Ponton:** It is 25—

**THE CHAIR:** —is if you have got a small number—

**MS MCGRADY:** 25.

**THE CHAIR:** —is it safe there than to—

**Mr Rutledge:** No, I understand.

**THE CHAIR:** —that is what I was getting to—

**Mr Ponton:** Yes.

**Mr Rutledge:** That is your question, yes.

**THE CHAIR:** That is what I was getting to.

**Mr Rutledge:** So—

**Mr Ponton:** So there is 25 Aboriginal and Torres Strait Islander people who have identified—

**Mr Rutledge:** Yes, 25 Aboriginal and Torres Strait Islander—

**THE CHAIR:** Out of 800?

**Mr Rutledge:** Out of 800, yes.

**THE CHAIR:** And they are supported with—to disclose, and they are supported if—

**Mr Rutledge:** All staff are supported to disclose. I suppose the two things that I wanted to highlight is of those 25, we encourage them to come together as an—well a supported informal network. We separately have programs in place to ensure that non-indigenous staff members are trained and have some cultural awareness. So both of those together would hopefully create a safer environment.

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For disclosure officers, they are under our respect, equity and diversity, and they are right across the organisation. So hope—what I am saying is, that between those we would hope that we would be able to spy—we would hope that people would be able to come forward safely and report any incidences of discrimination, and in this case racist discrimination.

**THE CHAIR:** Thanks Geoffrey.

We will move onto the workforce. We understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as part of improving services to the community. There continue to be concerns raised across the community that some staff are not recognised, accepted, or connected to our local community. How do you ensure these people meet the definition of being an Aboriginal and Torres Strait Islander person?

**Mr Rutledge:** So we—I think there is two elements to that question. So one, if they identify as Aboriginal and Torres Strait Islander people, we accept their identification as that. There are further questions that I think we all have within the community about, you know, there will be reasons why people do not identify and there will be reasons why people do identify. And so at the moment, we just respect those that identify that. But I would like to think that if we become a safer organisation, both more people will come to join us and others, who maybe have not felt safe to identify, will identify.

**MS CHIVERS:** Jo Chivers here.

I think quite to expand on the question that the Chair asked, it is more around the three elements of identification, which does include that to be an Aboriginal or to say you are an Aboriginal person, one element of that is you have to be identified as such by the community. So I think it goes a bit more to than you just accept that they are saying they are Aboriginal. It is about the three elements of what actually constitutes identification of an Aboriginal person is what the Chair was asking.

**Mr Ponton:** So there is—in terms of our HR system, where people identify, are you talking about that process? Or then, in terms of our identified positions in terms of how we appoint people to the identified positions?

**MS CHIVERS:** Well I guess it is more around how do you as a directorate ensure guarantee that if you have an Aboriginal or Torres Strait Islander person in your employ—

**Mr Ponton:** Yes.

**MS CHIVERS:** How do you ensure that they have actually met all three elements of identification? So like, for example, I can say I am Aboriginal, but I may not actually meet all three elements because I could have absolutely nothing to do with community for example. So I would not be accepted by community, which means I would not actually meet all the three elements.

**Mr Rutledge:** Yes. And I know—sorry, I did understand the question, which is why I explained it the way that I did. We do not test or verify—if people self-identify as

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Aboriginal and Torres Strait Islander, we accept that that is the case. So notwithstanding there are shortcomings with that, that is the approach that we take.

**THE CHAIR:** Let us go onto the next one now.

How do you make sure that they lived experience connection with the community that is critical to the ability to engage with and deliver outcomes to the Aboriginal and Torres Strait Islander community?

**Mr Rutledge:** Well I think it is kind of role dependent. I will say it is role dependent. So if I think of some of our identified positions, where we are employing Aboriginal people, if part of their role is also to do cultural leadership or provide us those insights, then we would be looking for them to have that skill set, that competency and those links with community.

There would be other roles within the organisation where it is not part of their key role that they are providing us cultural advice beyond their role or cultural expertise is not essential to the role that—beyond what they bring. So I think that we would have different roles across the organisation.

I think we—I feel we are guilty on the other side of when, as—I will speak for myself rather than as an organisation. But as a non-indigenous person, I feel that I will end up putting too much cultural load on people and asking too much of people when they are part of our team. And I feel that is actually a more likely risk for that to occur.

So I think where we have our leaders employed to do—where we are looking for that cultural knowledge, that is where their knowledge is required and their links to community is required. My fear is that we sometimes put too much cultural load on any Aboriginal and Torres Strait Islander in our organisation and expect them to take on that cultural lead role, where actually that was not part of what they signed up to. And so that is where I feel a risk.

**THE CHAIR:** How do you track compliance with the process?

**Mr Rutledge:** The way we track compliance with the process, again if we are employing someone and part of their role is to take on and be—with links to the community and provide that, it would be, as part of their discussions through their professional development as part of their role. I think it is as simple as complex as that.

**THE CHAIR:** How do you ensure that the advice they give is culturally appropriate?

**Mr Rutledge:** That is probably more challenging because as—normally, as non-indigenous people, we would take advice as we see. But we have—it is not that all of knowledge comes from those people. I mean we have talked a little about the DNCC. So that, you will understand like any committee, has different views around the table. And as part of the collaboration, part of the discussion, we try to get a view. But yes—so that is how we would test it, through other collaborative processes to sense check, as we would any advice in government.

**THE CHAIR:** When designing roles, what are the requirements for identified or

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special measured roles?

**Mr Rutledge:** So I think where we have particular identified roles, and I might ask Mr Burkevics to talk about the water policy role in particular, because that is one that has recently been established and recruited. But that is where we know that there is an inherent need for first nations knowledge over and above other forms of knowledge.

So I think water policy would be the most recent one that springs to mind. And that is where we knew that we as an organisation needed to have that skill set, that cultural knowledge, and so we created a position in that, and we made it an identified position. Some of our Ngunnawal ranger roles, which are not all Ngunnawal rangers, but some of our ranger roles, we have got a land management element. Again, that is where we would do it.

But, Mr Burkevics, the water policy role in particular.

**Mr Burkevics:** Yes. Thanks, Mr Rutledge.

Certainly in terms of any job description that is for an identified position, there is the opportunity to have that job description consulted internally with our traditional custodian engagement team. And that provides that opportunity for that means of cultural appropriateness to be cast. I would certainly like to see a day when we are also consulting with the Dharwra Ngunnawal Caring for Country Committee as well, and providing an all-inclusive approach to any new identified position or indeed or an existing position when they are reviewed.

I think—and just to build on the points raised by Mr Ponting and Mr Rutledge earlier. I am aware that for identified positions a proof of genealogy is a requirement as well on occasion. I know for some of the positions within my group we have asked for that proof. And that is a responsibility of the applicant to provide that proof that they have a confirmed Aboriginal heritage, a background.

**THE CHAIR:** How many Aboriginal and Torres Strait Islander people are working on projects or programs that are not specifically for Aboriginal and Torres Strait Islander community?

**Mr Burkevics:** I would say in all of them in a variety of ways. But all of them will also be working on projects and priorities that are for Aboriginal people. So I think it all depends on the role and their particular focus at the time. So it varies on day to day, depending on their role and what they are employed to do.

**THE CHAIR:** Just going back to the Aboriginality too, it might be a suggestion just to consult with the Elected Body. I mean we were elected by the community.

On recruitment panels has there been any Aboriginal and Torres Strait Islander persons, independent of government, been part of the panel to help with this assessment?

**Mr Ponton:** We might take that on notice.

**Mr Rutledge:** Yes, I cannot think of any off the top of my head—

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**Mr Ponton:** I cannot think—no.

**Mr Rutledge:** So we will take that on notice—

**Mr Ponton:** Off the top of my head, I cannot think of any, in terms of independent. But let us take that on notice.

**THE CHAIR:** Thanks Ben.

Cultural competency. How do the ACT government train and assure the cultural competency of ACT government employees?

**Mr Ponton:** Do you want to talk to this one, Mr Rutledge in terms of our cultural awareness training?

**Mr Rutledge:** Yes, so I suppose as we have talked about a couple times today, we have programs that we—to support our Aboriginal and first nations staff members. And then non-indigenous people. So most recently we have been doing cultural awareness training, welcome to country language training—yes, I can again add to the list. But we provide that in our annual reports, the work that we do across the organisation.

I will say for—and I will say that all of our people in capability training, moving through COVID and now back out of COVID into a post-COVID world, it has meant that we have been able to start moving some of our—which had been sort of online training back into the in the office and in the field training. So I think it is a good opportunity for us to reset and recheck our offerings.

But I think, yes, I do not think we are doing anything uniquely different to other agencies. But I think on any statistical measure for the participation and take up of training, I think we are better than most across the ACT government.

**THE CHAIR:** Out of the awareness link to competency, what is the minimum standard of all staff given on cultural responsibilities?

**Mr Rutledge:** I do not think we have a hard rule that I can think of in the key.

**Mr Ponton:** No.

**THE CHAIR:** How have you identified the positions that require cultural competency?

**Mr Rutledge:** Again, for Burkevics—

**Mr Burkevics:** I think it is a case by case, whenever a new position is required. I think you certainly look at what the requirements of what that position are and then determine if it most suitable that an identified person should be the occupant of that position. We are going through that process at the moment following recent government enhanced investment in pest and weed animal control. That has resulted in a number of new positions. And we are just looking at those positions to see if—how many of them we can potentially make identified.



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**THE CHAIR:** Do you evaluate the performance of those positions based on understanding achievement of outcomes for the Aboriginal and Torres Strait Islander community? Is the content designed and delivered by local Aboriginal and Torres Strait Islander people or organisations?

**Mr Ponton:** Do you want to respond to that Mr Burkevics?

**Mr Burkevics:** Understand performance. Yes, I suppose I would probably raise it up a level slightly and just highlight that all staff within the directorate are subject to performance reviews. Obviously, there are—I would be cautious about a non-Aboriginal person providing feedback on the performance of an Aboriginal person because often it is—you just get the feedback—

**THE CHAIR:** Well cultural competencies for all staff, not just our lot—not just Aboriginal and Torres Strait Islander people. It is for all staff.

**Mr Burkevics:** I think that would be indicative of some of the stats, as Mr Ponton and Mr Rutledge have indicated previously. How the directorate is performing with staff through training, its recruitment. I know a number of staff that are joining us today have recently participated in cultural training, language training I should say. Other training, decolonise your mind and other matters like that are all progressing.

So I think it is probably more broadly on how is the directorate achieving its identified targets—

**Mr Ponton:** Yes. So in terms of those training opportunities, that is—we have got, obviously mandatory training, so when somebody joins us or to be employed by us well there is certain expectations. I wonder whether it might be useful if we provide you on notice—I am looking at Mr Fletcher—I am sure we will be able to get the figures in terms of how many of our people have been through those various training opportunities. So we—I do not have the figure in front of me, but I do know that it is quite strong in terms of the training, and in terms of cultural awareness training and language classes that is something again, through our executive management board, my expectation is that we all do that. So again, that drives the expectations through the organisation.

**THE CHAIR:** Let us move onto priority reform. Thanks for that.

When will EPSDD provide the Phase 2 Directorate Implementation Plan to the Elected Body for consideration?

**Mr Burkevics:** Thanks very much for the question.

That was submitted last week. As you know, we corresponded with the Elected Body earlier this year with regard to a suggested change to one of the actions. We received a response to that. And that was given due consideration. I think on reflection of that response we have decided not to further request discussion on the action. We are going to proceed with the original action. But I suppose the process that we go through to achieve that action will align against the proposed change and that we consult on what

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does joint management mean, for example.

But I think, fair to say, it was lodged last week with the community services directorate. But I would not—but I certainly would not say that was any obstacle in progressing all the matters that are already in there. The establishment of the heritage cultural database updates is all progressing really, really well.

**THE CHAIR:** Bren, can you just—why has there been such a delay?

**Mr Burkevics:** I think the—when the—my understand is that the government considered those action plans earlier this year, in around February if I am not mistaken. So of course the directorate is not in a position to lodge those before it is given government consideration.

At the time I certainly, in looking at some of the actions that were proposed prior to my arrived, expressed some concern around or potentially a better word is expressed a view that I thought an alternative action might be more achievable and realistic to getting some tangible solid action on some of these things that we could measure. So that was discussed within the directorate. That was then discussed with ministers. And so that process did take some time and did result into the letter to the Elected Body.

My understanding is the Elected Body had a number of deliberations around that level and responded afterwards. And hence, that informed our way forward.

**THE CHAIR:** Why does there feel like there has been a level of reluctance to precedence around this plan?

**Mr Burkevics:** No, well I would certainly say absolutely no reluctance. I think it was, from my perspective, as having—

**THE CHAIR:** It did take a while though to get.

**Mr Burkevics:** Absolutely. Well I think the plan was already there. I think if anything the time was reflective of my desire to make sure that we can really get some wins with it. And certainly one of the key actions of the Joint Management Agreement, that is no easy objective. I expected the discussions and the process to get there will be long and protractive.

But I certainly want to make some headway, and hence why I thought that—and express the view that having discussions about what it means first would be far more helpful than launching in to try and write something initially. And that has resonated well with community that joint discussion approach before we really get down into a joint management agreement writing phase.

**THE CHAIR:** Thanks Bren.

Let us go onto sustainability. Following the Orroral Valley fire that burnt extensive—did I say it right—

**MS MCGRADY:** Yes.

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**THE CHAIR:** Yes. That burnt extensive areas in Namadgi National Park, extreme risk was identified to both access and cultural heritage. How will \$6 million grant from the commonwealth support recovery of the national park be spent? And how much of this will be spent with Aboriginal and Torres Strait Islander community organisations and businesses?

**Mr Burkevics:** I think that is one of the underpinning priorities for that program. I could not quote the exact figure of what we have spent so far. But one of the key underpinning principles of that recovery program is to ensure the resilience of the national park and the protection of cultural heritage assets.

So certainly one of the areas—well a number of key areas at the moment that are in the focus for the people that I work with, one of the recreations of two huts that are in Namadgi National Park. And we go through a process of consulting with traditional custodians on what—on their views. And is it appropriate to recreate what is essentially huts of pastoral arrangements in the past. So that is occurring.

I think the other one that is very, very tough, is the return to country of a digging stick that was removed from country during the fires to protect it. The arrangements for returning that artifact to country are, as you would expect, inviting a wide range of views. And some of those views are not aligning. So those consultations on that artifact returning to country again will take a period of time.

But the priority, I think, for the custodian at the moment of that artifact is to ensure that its cultural and physical protection, which I think is not where it needs to be in the long term. It is not in a humidity controlled or temperature-controlled environment. That is not good for any artifact of that age. We need to ensure that it is stored appropriately and safely and in a cultural—and particularly in a culturally appropriate manner. So two examples at the moment of work going on with the recovery of Namadgi.

**THE CHAIR:** How is the directorate engaging with the community to support transition to clean energy?

**Mr Ponton:** Mr Rutledge.

**Mr Rutledge:** I think there is a couple of things going on in the clean energy space right now. One is what we are doing at the ACT government level, which is very much insuring that at the household level that we are all making good decisions about when to transition. At the moment, the transition applies to energy efficiency, and through our programs, delivered sometimes by us and sometimes by the non-government sectors, lifting energy literacy so that all community members are supported through that transition.

Pre-empting where I think you will go to on the next one, do we have indigenous-specific programs? No, we do not. What we are doing is we are supporting community organisations that work across consumers that are at the lower incomes to assist them through that.

**THE CHAIR:** Are they local Aboriginal organisations?

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**Mr Rutledge:** Local organisations. So ACTCOSS, Vinnies, Salvation Army, Care Financial. Those sort of non-government organisations. We do not have any—

**THE CHAIR:** Any Aboriginal organisations?

**Mr Rutledge:** I do not think we do. I am just trying to think of whether or not we did use Gungahlin. So I will say no, and I will come back and correct that if that is not the case.

**THE CHAIR:** Is that going to change, or that is just how it is now?

**Mr Rutledge:** That is how it is now. We are about to go out to market and roll out some new procurements, particularly around insulation—so roof insulation—and electrification, and what we are hoping to do through that procurement is to set up a panel of providers to do that, and all of those providers will need to have a consumer interface. So we are in the midst of doing that, so that would be the next chance to re-examine whether or not we have got the settings right.

Separately I think the commonwealth government is running a large clean energy First Nations consultation, and I think our—

**THE CHAIR:** Can we just go back?

**Mr Rutledge:** Yes.

**THE CHAIR:** How are you tailoring messages for our community, before we get to the commonwealth?

**Mr Rutledge:** Look, I do not think we do, to be frank. Again, I am being, as always, frank. I do not think we do. I think what we do is look to trusted community organisations to help us tailor their messaging. So I think that—

**THE CHAIR:** But most of the ones you identify, they are not Aboriginal organisations. So our—

**Mr Rutledge:** Correct. No, I understand what you are saying, and I am being honest in my answers that we do not do indigenous specific programs in this space for clean energy. Just to finish off on the federal government's clean energy roundtables. Those roundtables are coming forward, my observation is most of those to-date have not been at the retail, consumer, household level. They have been largely about land access for transmission around the country. So, I will see how it runs, but I know that the roundtable is coming up before the end of the month.

**THE CHAIR:** Thank you. The Namadgi Agreement. What is the status of the Namadgi Agreement and what are the steps forward?

**Mr Ponton:** I might ask Mr Burkevics. This has been a challenging matter for us.

**Mr Burkevics:** Absolutely. The Namadgi Agreement is still valid, but I would like to

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say that is dormant. I think at a time, and it well pre-dates my time, that there are a number of differing views around how it should be implemented, and they were not able to be resolved at the time. I think it is timely that—

**THE CHAIR:** Is that community views, or the same views?

**Mr Burkevics:** I think a mix. There was an impasse between the parties, sadly, that prevented a way forward.

**THE CHAIR:** And that is what stopped it from moving forward?

**Mr Burkevics:** Correct, yes. However, I would like to say that some of the discussions we have been having with community and Aboriginal businesses at the moment, and the RAOs around reforms to cultural heritage, I think it would be entirely appropriate to have discussions around the Namadgi Agreement and how we may move forward. So I think it would be—

**THE CHAIR:** Bren, are you working with signatures or their families?

**Mr Burkevics:** At the moment I could not say that we are actually at that level of working with anyone at the moment, but I sense there is an absolute appetite to review that whether it is appropriate to rescind it or do something else, noting the work that is in the action plan at the moment to work out a way that we could achieve co-management. I think the discussions on the way forward are timely, because certainly I do not view that having a dormant agreement is an any way useful if it is not being implemented and underpinning action.

**THE CHAIR:** I think the signatories to that national agreement are probably that people that you need to talk to first about it.

**Mr Ponton:** And I know that there are had been discussions with the signatories and or families.

**THE CHAIR:** And families, yes.

**Mr Ponton:** And I think that is what has prompted Mr Burkevics' comment on the impasse. So yes, definitely we would need to re-engage. I do not know; I could not answer off the top of my head when the last engagement with the families specifically was on that matter.

**Mr Burkevics:** I support Mr Ponton's comments, and certainly the signatories to that agreement are entirely appropriate to express their views on the way forward, but I would certainly like to say, we should be talking about the way forward and look, even if those conversations take a long time, having conversations is a really good thing and that experience has been incurred with some very culturally sensitive discussions about reforms to the ACT Heritage Act and Heritage Council arrangements.

Really potentially sensitive discussions have occurred in a fantastic manner, and the fact that we are actually conversations about moving forward was really, really pleasing.

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**THE CHAIR:** What are the differences between the roles of the United Ngunnawal Elders Council, registered Aboriginal organisations, and the Traditional Custodians Caring For Country Council?

**Mr Burkevics:** I think overlapping to some degree, but all specific in their own way. Some of them are statutory. So the elected body obviously has its statutory functions. The RAOs have their statutory functions under the Heritage Act, and the Dhawura Ngunnawal Caring For Country Committee has its functions as prescribed under the terms for reference. I like to think they work in harmony.

We certainly know that there are sensitivities and areas that there needs to be a process of consultation, but certainly I think they all play their role, and it is important we figure out the best ways that all can be involved in consultations in the decision-making.

**MS MCGRADY:** Yes. All families that have cultural connection to this land, absolutely try and engage as many as you can, if not all, in some way. Thank you.

**THE CHAIR:** Thanks. Control of feral animals. We notice an increase in the media coverage of the need for control and feral native animals with culling programs. Has the directorate considered the opportunities for cultural practice in this process?

**Mr Burkevics:** Yes, absolutely, and consider the opportunity for cultural practice in all activities that we are doing, and we have only just began planning our federal animal control program, but certainly in terms of our kangaroo management program I know that we make opportunities for cultural involvement in relation to that program.

The sad deaths that occurred at the Gibraltar Falls, I know we are talking to community around what is an appropriate healing process when the time comes to consider the re-opening of that location. Because I would like to say, yes, we think about all opportunities to embed culture and provide opportunities in all of programs?

**MS CHIVERS:** It is Member Chivers here. You know, whilst I do understand why, there are a number of these programs in relation to the control of feral animals, I think it is very important to think about the healing process. Like, you know, I am Palawa, for example, my totem is the kangaroo.

So for example, myself and other Palawa people who have made Canberra our homes, yes, we do understand the whole reason why the culling of kangaroos, but from an indigenous perspective it can be quite distressing to us because that is our totem, and I am sure that that is the case for other programs in relation to other feral animals. So I guess I am interested in how you are building that cultural response to how you are managing those programs?

**Mr Burkevics:** There is a saying that stuck with me following my attendance at the AIATSIS conference, “Nothing about us, without us”, and I think it is just such a wonderful saying. To give you an example, government recently announced enhanced investment in habitat restoration across the ACT over the coming year.

In moving forward, in working out those areas for habitat restoration, one of the core



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principles again is opportunities for cultural practice. So Mount Ainslie, Mount Majura area for example, I know our traditional custodian team has identified that some of the plants, I think they have been referred to as Winnard's Medicine Plants, they do not exist at that location and so one of the plants that habitat restoration is to reintroduce is to re-introduce those plantings there on Mount Ainslie and Mount Majura.

So I think we see these, any operational plan, including down to our cultural burns, our cool-burning program, our hazard reduction program, we see regular and sustained engagement with our traditional custodians. Again, I think that the challenge that I am very conscious on it that load, and I have heard that figure mentioned recently that three per cent of the Australian population are now being sought for their traditional knowledge and engagement.

Now that is a fair effort and a fair responsibility. So how we best manage those cultural load responsibilities when community members have their own life, their own families, their own things to do, I certainly have not figured out that, but I remain eternally grateful for their support and engagement to the work of EPSDD. I do not think there is a night or a weekend that goes past where there is some form of workshop or engagement happening.

**THE CHAIR:** Cultural tourism in the park. Does it exist and how is it administered?

**Mr Burkevics:** We are working through a process. So no, it does not exist at the moment. We are working through a process to develop a framework to support cultural and tourist-type opportunities. We have a number of ranger programs that again require some, I know that the rangers that are not from this country have expressed the view that they need to operate very, very carefully and respectfully when operating on Country here, and I think expressed a desire for further discussions about their role in delivering cultural programs to insure that they are not causing offence to traditional custodians, and I think that is going to need some further work.

I think, from my perspective, it would be a disappointing day if we cannot restart the delivery of cultural programs, because I think without them everybody misses out. So certainly some further discussions between our traditional rangers, the Dhawura Ngunnawal Caring for Country Committee on how to move forward and ensure that these programs can be delivered in a culturally respectful and supportive way.

**THE CHAIR:** Thanks, Bren. Any further questions from the members?

**MS CHIVERS:** I just wanted to ask. So, how does the directorate consult with, and what is your relationship with, other traditional groups that may not be the traditional custodians of the ACT? Like, for example, with Tidbinbilla. There is obviously parts of that that are not in connection to our traditional custodians. It is actually a completely different group. So how do you engage with that group?

**Mr Burkevics:** Regular and sustained engagement with all of our RAOs. That is a requirement under law, and so that occurs. There is opportunities for us to insure that everybody can have their say if they have a connection to country, and that can go into the consideration process. So, I think certainly with the RAOs there is regularly and sustained conversation about a range of matters, primarily those that are triggered under



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the Heritage Act, and we are seeing, as I mentioned, results of the conversations happening about Aboriginal cultural heritage reforms.

In terms of more broad day-to-day, our primary mechanism for consultation is through the CFC, but certainly the opportunities to ensure that everybody can feel that they have had the opportunities to be heard as part of the consideration process, I think to be really important.

**Mr Ponton:** Specifically in relation to Country, of course, we also work with the elected body in relation to policy and development. I know that—

**THE CHAIR:** Member Walker just wants to ask a question.

**MR WALKER:** Just as a matter of conversation, you mentioned earlier that some of your staff went to Garma. Has there been any conversation within the directorate about the process of a referendum, or between non-indigenous staff or yourself?

**Mr Ponton:** No.

**MR WALKER:** Because just really interesting, the feedback from the Garma Festival was about, obviously, Aboriginal people going and convincing non-Aboriginal to vote “yes”, which would give us an opportunity to succeed in the referendum with a “yes” vote. I just wanted to know, just generally, if there was any conversation around the water cooler.

**Mr Ponton:** Mr Burkevics will make some comments, and then I might as well, depending on what Mr Burkevics says.

**Mr Burkevics:** Yes. I think I would go as far as to say, beyond the water cooling to executive management board. The people in this room had a discussion recently on how best our First Nations people could be supported, which is a message that came out of, for me, the AIATSIS conference. The support needs of heading in to what would be a challenging time needs to be considered, so that was discussed at the most recent executive management board on responsibilities for the directorate to best support staff in what is going to be a very, very tough cultural time over the coming months.

**Mr Ponton:** So, slightly different to, of course, the ACT government has very clear position and the head of services communicated that through to the ACT Public Service in relation the government’s position on the voice. But, what Bren is talking about, whilst we have not then further communicated a position on that, what we are wanting to do is make sure we support our people in that journey.

**MR WALKER:** Thank you.

**THE CHAIR:** Thank you. Any further questions from members?

**MS CHIVERS:** I do not think so. No.

**THE CHAIR:** That concludes the questions of—

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**MS CHIVERS:** I was just going to say—

**THE CHAIR:** Sorry, Jo.

**MS CHIVERS:** Given we have still got another three minutes.

**Mr Ponton:** I was waiting for that.

**MS CHIVERS:** So how does city renewal and the Suburban Land Agency make cultural and heritage a priority of its work?

**Mr Ponton:** I am glad you asked. Mr Dietz, I think, would love to spend the next two and a half minutes talking about that, and I should point out that when we do have an elected body representative, it is not just me that meets with them. I also have Mr Dietz and Mr Snow join us so that we have that conversation, but I know that at the moment we do not have an allocated representative. Mr Dietz, did you want to start?

**Mr Dietz:** Thank you, yes. John Dietz, the CEO of the Suburban Land Agency. Thanks for the question, Jo. And I think part of that answer, I might start with some input that I had around the procurement policy, because one of the areas where we see we can really assist in increasing ATSI economic participation is through our procurement. Traditionally, there has not been a lot of ATSI organisations.

**THE CHAIR:** John, can we just—not ATSI. Can we just, Aboriginal and Torres Strait Islander people, please?

**Mr Dietz:** Yes.

**THE CHAIR:** Thank you.

**Mr Dietz:** Traditionally there has not been a lot of registered organisations within the procurement list in the major civil works contracts. We are looking to ensure that we can continue to evaluate the tenderers based on their ability to improve economic participation. So, we now have a guide which ensures that when we do our go out to tender, we are consistent in our recommendation for tender of the requirement for them to provide solutions, and we then evaluate their response based on that when we are evaluating the criteria.

Now, that evaluation does ensure—or it allows them to put forward their best solutions, their best ideas. So it could be that they are using recognised organisations as part of their subcontractor chain, it could be that they have included a greater number of employees within their own organisation, and then through the tender evaluation team we ensure that not only what they are saying but the risks associated with their saying are appropriate and that they are putting forward something that is real and measurable.

So I think that is part of how we are ensuring that we are getting a better participation rate through the procurements that we do as the SLA. I think the other is education. I really feel that with education, and the more that our staff and our communities are educated around the indigenous heritage of the sites and the communities that we are establishing, the more respect is increased and earned and the better outcomes we have

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for our community.

Education comes in a few ways. With our own staff, we have some significant education through own contracts. EPSDD talked quite a lot about cultural awareness. We include a lot of those as well. However, when we go out to communities, our place-making approach really ensures that if we are looking at what a new development might look like, then you really need to start with what the history of the place was, and the indigenous history is so key.

We help educate the whole community about what that site's history was so that we can better understand its current uses, so that as a community we can then define what the future best use is, and that becomes the goal that we then take our to our tenderers. An example where we have used that is the Gungahlin Town Centre East, and one of the emerging pillars for the east, based on that engagement, was around the indigenous cultural heritage of the land.

Now in looking at some of the early designs of that, the main park around that new solution is looking to be called Mother Earth Park, and it really is taking into account some of the baseline education that happened as part of the community consultation. I have taken a lot of your time, I am going to hand over to Malcolm very, very quickly. Thank you.

**Ms Chivers:** Yes. Thank you.

**Mr Snow:** Malcolm Snow, CEO of City Renewal Authority. Thanks for the question, Jo. Everything he just said, but I would probably add to that in the sense that we have had to, with our fairly small area and program in particular forge a really strong working relationship with the NCCC because we are working on Country.

We are seeking to modify and change, I guess, the urban landscape of the city, and the three things that have been impressed upon us about our engagement with the Ngunnawal community through that are firstly, visibility and truth-telling about what came before, secondly, emphasis on Country and nature. Very keen to bring nature in the city, we think that is a really terrific goal to strive for. And finally, equal collaboration.

Through our capital works program, we have identified three major projects where there can be fantastic opportunities to express those goals, and they are the Acton Waterfront, down on the lakefront where went into a process well over 18 months ago to hear and listen to those representatives and those elders that were present at those workshops exactly what happened on Country many, many thousands of years ago and to then weave that into our design brief.

And we are repeating that success, because we got so much out of that, as staff and as an organisation that we wanted to repeat that through to work we are doing on this district, associated with the new theatre, and also our work on Garema Place, which again, is a really important meeting place in Canberra. One which all cultures should be welcome to, but particularly we think, like the park and like this district, have tremendous opportunities to express that through our design work.

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**MR WALKER:** I have got a question while you guys are sitting there. The ACT government made a commitment to establish an Aboriginal and Torres Strait Islander Housing Corporation in the future. I just want to know, how will you guys consider or insure that affordability housing opportunities be allocated to indigenous community, when and if that organisation becomes a liable organisation, because that is part of that process around land, hopefully built into that will be around home-ownership and looking for new places to build houses for community.

**Mr Ponton:** I might jump in to the start with and think the detail of the question is really for CMTEED and the coordinator-general of housing, who is responsible for housing policy. Mr Dietz and Mr Snow, their role would be to implement that government policy once it has been adopted by government. So I think it would be difficult, unless you wanted to say anything. I think it would be difficult for you to respond now in the absence of —

**Mr Dietz:** I could respond, in that the process would be quite similar to how we work with housing at the moment, and that would be right from the beginning of a suburbs development where we are doing our place-making. We are identifying which suburbs have the best opportunity for certain outcomes. Now, that may be affordable housing, it may be community housing, it may be public housing, it may be indigenous housing.

By doing it very early in the process, we are ensuring all the right amenity supports for housing that is needed there at that time. It is actually a formal working group between ourselves, Housing CSD, the housing coordinator and EPSDD. That would then result in requirements that come to the SLA, as Ben said, we are the implementation priority. We would then have those requirements, to say, “Okay, in this particular development we are committing X number of houses for that outcome.”

That would then, usually, if it was then CSD or ACT Housing chose to provide their housing, we would then transfer those sites to housing as the development occurred and they were then delivered.

**MR WALKER:** Thank you for that. That is the answer I wanted to hear, because when the consultation process that is coming up, our community will be asking those questions, asking questions similar to that, and that is probably what they want to hear. Because it is like, where are you going to build, where are we going to get the land, where are we going to build a home? So that information is going to be for mob when they are doing their consultation, so thank you.

**THE CHAIR:** Member McGrady, you have a question?

**MS MCGRADY:** Yes. I just wanted to wanted to end of a comment. National parks, land management etcetera, it affects all of us, and it is all of our responsibility. Thank you for the attention to preservation, I note particularly around the fires. I understand there was some little animals that were moved to Sydney, to the zoo, and it was really nice to hear that attention to the cultural elements of what are in those national parks.

But national parks are there for all of us, as much we care for Country, we love the land, but the land is for all of us. So we all have an important role to play in making sure that we are still doing those great things and engaging cultural knowledge around cultural

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grazing and all that kind of—so thank you. Just wanted to make that comment.

**Mr Ponton:** Thank you.

**Mr Burkevics:** Thank you.

**THE CHAIR:** That concludes the questions for today. Thank you for your attendance. We look forward to receiving your responses to the questions taken on notice.

**Hearing suspended from 12.37 pm to 1 pm.**

**THE CHAIR:** Good morning. Afternoon, afternoon, sorry. Afternoon. It has been a long morning. My name is Tanya Keed and I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all members of the elected body and would like to introduce them now.

Paula McGrady, Deputy Chair with portfolios with Transport Canberra and City Services and our representative on the Coalition of Peaks. Maurice Walker, member with Education and Community Service portfolios. Jo Chivers, member with Justice and Community Service portfolio. ...(indistinct)... [1.03.29], member with Major Projects portfolio.

Please could all witnesses that give evidence during the hearings acknowledge the witness statement for the record? I would like to invite the Director-General, Rebecca Cross, for any statement, opening statement before commencing the questions. Please can you limit your comments to two minutes?

**Ms Cross:** Thank you, Chair. Rebecca Cross, Director-General ACT Health. I have read and understand the privilege statement. We do not wish to make an opening statement to the elected body. Thank you.

**THE CHAIR:** I will now pass to Paula to continue the questions.

**MS MCGRADY:** Thank you, Tanya. We will start by considering the four priority reforms of the National Agreement and my questions will be based around those four priority reforms. Are everybody familiar with those? Yes, thank you. So priority reform 1, partnership and shared decision-making. How is the directorate working with the community, sharing decision-making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community? And I do have some dot points attached to this question.

**Ms Cross:** Yes, so Deputy Chair, I think across the ACT Health Directorate we have a number of processes in place where we engage with the Aboriginal and Torres Strait Islander community and we do that through a range of mechanisms and in some instances, we are very conscious of the feeling sometimes that we are over consulting and so we really try and tailor our engagement according to how much has been previously done in an area so that we do not repeat things.

We have looked at opportunities to engage on two issues at a time so that we are not going back to the same people twice. But it is a part of what we do, so depending on

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your interests, we could point to particular examples in areas like mental health, so really it just depends what specific areas you are interested in and we could go to more detail of how we have engaged in that sort of partnership.

**MS MCGRADY:** An example could be heard.

**Ms Cross:** So maybe I might ask Dr Elizabeth Moore to talk about some of the work we have been doing in mental health, because we have got a number of new mental health services and strategies that are under development.

**MS MCGRADY:** So where there are formal partnerships? Yes, thank you.

**Dr Moore:** Thank you. Elizabeth Moore, Coordinator General, Mental Health and Wellbeing and I have read and acknowledge the witness statement. So there are a couple of areas or examples that I think would be useful in this space. The first is the Aboriginal and Torres Strait Islander Suicide Prevention Postvention and Aftercare Service, where we went through a formal process of consulting with community in order to inform the tender.

The tender was won by Thirrili. Thirrili of course is not an ACT based provider and they have spent the last 12 months consulting with community, because that is what we heard at the forum that we held that community wanted. They have been providing a service through Way Back and others areas that they already do, but the actual service itself has been consulted with community and is scheduled to start later this year.

**MS MCGRADY:** Okay, thank you.

**Dr Moore:** Another example—

**MS MCGRADY:** Yes, yes.

**Dr Moore:** Yes, another example that will be released in August—and we only have a couple of weeks left of August—is the Detainee Mental Health and Wellbeing Strategy and that was as a result of a formal partnership with Winnunga, with CHS and with Corrections, which the ACT Health Directorate drove, and I think, although we cannot show you any impacts at the moment, it certainly has been identified as an area that needed further work and we will be developing an impact statement from that.

**MS MCGRADY:** Okay, thank you. So I will go to some dot points to that question. How many new formal partnerships has your directorate established since 2020?

**Ms Cross:** I think we would have to take that on notice, and again, it is a range of different types of partnerships and so the example of working with Thirrili we would describe as a partnership; even though they are a contracted provider, the way we have approached the consultation has been in partnership with them, so if you are happy with that broad definition of partnership, we can come back with the number of quite specific areas where we have done that.

**MS MCGRADY:** Thank you. Thank you, Rebecca. So that might even lead into the other question, so adding to that is how are they resourced, what have they achieved



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and is information publicly available? So you probably need to take that on notice.

**Ms Cross:** Yes, and again, I think we will provide that on notice and it will be slightly different for each arrangement.

**MS MCGRADY:** Yes, thank you. So please provide three examples of where you have shared decision-making with the community in the context of the ACT Aboriginal and Torres Strait Islander Agreement.

**Ms Cross:** Three examples of where we have shared decision-making with the community.

**MS MCGRADY:** In the context of the ACT Aboriginal and Torres Strait Islander Agreement.

**Ms Cross:** Yes.

**THE CHAIR:** How is it formalised?

**Ms Cross:** Yes, I am just trying to think of examples where it is shared decision-making. So I guess again, and I am happy to sort of take that on notice, but I think the shared decision-making, there is probably some examples of that with an organisation like Winnunga where the decision on models of care that are provided in the AMC are actually put forward, developed by Winnunga and then the directorate works with Winnunga on those models of care, so I think we would have had contract negotiations with them, which is—I mean, shared decision-making; at the end of the day, we need to make the contractual decision that the model that we adopt is actually put forward by that Aboriginal controlled organisation.

So we do not go to them saying, “Here is what we want you to do”; they come to us saying, “Here is the service we think is needed”. So if that is useful as a way of describing shared decision-making?

**MS MCGRADY:** Yes. Yes.

**Ms Cross:** I would say the same with Thirrili that Dr Moore mentioned, so Thirrili has been working very closely with community to work on that model of care. We have not dictated what it is; we have actually extended timeframes to allow more consultation and more time to actually work that through with community and then at the end of the day when we make a decision on that model, even though again we are the decision-maker, it will be based on what has been put forward to us by the provider that has done that deep consultation. So they are two examples. I am just trying to think of a third off the top of my head. Maybe I will take the third one on notice, if that is all right?

**MS MCGRADY:** Yes. And look, I do have a dot point. To what level are these funded for some of those shared decision-making elements as well?

**Ms Cross:** Yes, so when we are working, a lot of this is when we actually have a provider and then we work with that provider and community, so that is built into the



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contract with that provider. I mean, some of them may have lines about consultation and engagement, but otherwise it will just be part of the general cost of contracting that service provider.

The other thing I should mention, maybe as the third example rather than taking it on notice is—I think you said from 2020. During COVID, we worked very closely with community and funded a number of organisation to actually provide additional services and again, that was very much working with those organisation to say what is needed during COVID, what will best help community? So I think that would be the other example where it was really joint decision making about what additional services should be prioritised, how do we fund them, how do we get the money out so that we actually—

**THE CHAIR:** Can I just ask a question?

**MS MCGRADY:** Yes.

**Ms Cross:** —manage the impact of COVID as best we can.

**MS MCGRADY:** Thank you.

**THE CHAIR:** How are they funded to participate in the decision-making and delivery?

**Ms Cross:** So a lot of the decision-making—so as I said, a lot of this we have been working with providers and so they are funded to do this as part of the contracts that we have with them. I am just going to check whether we have—in some instances, when we involve members of the community there is some reimbursement for their time which we could point to, so again if we are calling on individuals, we can, where we need to, reimburse them for their time as well.

**MS MCGRADY:** Yes, thank you. Does any member have any other questions or I will go onto a—

**MR WALKER:** Next one.

**THE CHAIR:** Next one.

**MS MCGRADY:** Thank you. So priority reform 2. That is building the ACCO sector. So engagement with ACCOs. How many local ACT based ACCOs have you worked with in the last two years and several dot points: who are they?

**Ms Cross:** So the two I would point to that we have worked with primarily would be Winnunga and Gugan, who we do quite a lot of work with. And Thirrili would be a third in the mental health area. I am just trying to think of there is any others. They are the three named ones that come to mind. Again, I am happy to go back and see if there are others, but we do a lot of work with them.

**MS MCGRADY:** Yes, that is okay. Thank you.

**Ms Cross:** We will get to the Ngunnawal Bush Healing Farm I am sure at some stage.

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**MS MCGRADY:** We will.

**Ms Cross:** But that is another area where we have for some time been exploring whether we can get an Aboriginal controlled organisation running the residential service and as part of that, we have dealt with a number of non-ACT based ACCOs to actually help inform how that service might work, but I think the three that I have mentioned, Thirrili, Winnunga and Gugan would be the primary ones.

**MS MCGRADY:** Thank you.

**THE CHAIR:** But Thirrili is not an ACT based organisation is it?

**Ms Cross:** It will be once it starts operating the service here, but no, and that was the result of going out to see if there was anyone that was locally based, but they won that tender. And again, that is why we have put a lot of time into developing the service with community because we wanted to create that sort of awareness there.

**THE CHAIR:** They have been going for a fair few years in Canberra now. When will they become a Canberra organisation? Because they have been around for a couple of years now.

**Ms Cross:** So I am not sure whether they are—

**THE CHAIR:** So is there a timeframe of when they become—

**Ms Cross:** I will see whether Dr Moore knows whether they are changing their registration status or whether they will just set up an operation here.

**Dr Moore:** Thank you. I must take that question on notice. My belief is that they are just setting up an operation here, but the CEO of Thirrili comes very regularly.

**MS MCGRADY:** Okay, thank you. So how have you helped existing ACCOs to grow in size or grow their scope for services?

**Ms Cross:** So I think Winnunga would be a good one to point to because we are currently engaging with Winnunga about a new alcohol and other drug service and I do not know, Liz, whether you would like to talk about what we are doing there with Winnunga, which will be an expansion of the services that they offer in the ACT.

**Ms Lopa:** Thanks, Rebecca. Good afternoon, everyone—

**MR WALKER:** Turn your name around.

**Ms Lopa:** Sorry?

**MR WALKER:** Can you turn your name around?

**Ms Lopa:** Yes, sorry.

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**MS MCGRADY:** Thank you.

**Ms Lopa:** Tricks for new players. I am Liz Lopa, Acting Deputy Director-General for Infrastructure and Engagement and I have read and understand the privilege statement. So we have been working with Winnunga quite closely on the Aboriginal and Torres Strait Islander residential rehabilitation service, which will be built in Watson, so originally Winnunga was contracted to do the model of care for that service, which they did, and now the government has also funded, directly to Winnunga as grants, money to design the facility, so they have done the model of care, they have now designed the facility and we have received funding in this year's budget to build the facility along with a new Ted Noffs and CatholicCare, the two facilities that are currently in Watson.

So Winnunga has been fully in control of the decisions around what that rehabilitation centre will look like with their own architect and their own project manager. We have also funded in the budget, last year's budget and this year's budget, funding for Winnunga to train up a workforce to be able to run this service, so obviously as you are aware, there is not another service in the ACT like it; Winnunga does not run one currently like it, so we have given them money to train and recruit workforce and train so that when the service opens they are able to run that service and I think they are doing a lot of sessions and talking to people interstate who run similar services.

So when that facility opens and that service is up and running, that will be something new that Winnunga will be doing in the ACT. We are obviously working really closely with them because we have to rebuild Ted Noffs and CatholicCare as well, so we are working in partnership with them to make sure their buildings and our buildings and the whole site works well together. But it is going to be really expanding what they can offer the community in Canberra.

**MS MCGRADY:** Thank you. So how are you progressing with transition services to Aboriginal community controlled organisations?

**Ms Cross:** So again I think possibly the best example there is the work that is underway with the Ngunnawal Bush Healing Farm, which is still very much—so the original idea with the residential service was to go out to market and tender and then there was some consideration from the existing or the then Bush Healing Farm Advisory Board about whether they could become an incorporated Aboriginal organisation and run the service themselves and so quite a lot of work went into that.

When we get to the Bush Healing Farm, we can talk about why that is on hold, but ultimately we would like to see that service run by an Aboriginal controlled organisation and that would again be an expansion of the sorts of services which are currently offered in the ACT, so it is not something we can do quickly, but that is definitely a service where we would like to see that transition.

**MS MCGRADY:** And the investment of the expertise of staffing. There is Narrabundah House, but also other—I mean, the Winnunga facility, a proposed facility at Watson. So that is really, really important and it has been a topic for the elected body as well is about making sure that expertise is there in that area of need.

**Ms Cross:** Yes and I think as Liz said with the Watson facility, actually putting the

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time in ahead of time to train up and find staff that have the appropriate skills because a lot of these will be unqualified positions. We also do a lot of sort of the longer term work, so the work we do with an organisation like IAHA to actually get more Aboriginal and Torres Strait Islander people training in health related professions, which is again the longer term pipeline. So we are looking at it in the short, medium and long term.

**MS MCGRADY:** Yes, that is good. Thank you. So what new community controlled organisations have been assisted to be established?

**Ms Cross:** So at this stage I do not believe there are any new ones in our area. I guess we are looking at one for the Bush Healing Farm and although Thirrili is not a new organisation, at least having them here offering a service in the ACT I think is better than having a non-Aboriginal provider offering that service. So while we have not created a new organisation, we have brought a new one into the market, so to speak, in the ACT.

**MS MCGRADY:** Yes, thank you. So the next questions will be about the Indigenous Procurement Policy still connected to priority reform 2, which is building the community controlled sector. What are the requirements within contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander people?

In relation to mainstream organisations, what are the specific requirements that those organisations must have? Two—and I will read the points out. If you want me to go back, I can—guarantee access to services in the community; Aboriginal and Torres Strait Islander staff within the organisation; representation on the board and how they procure services.

**Ms Cross:** So again, I think we may need to take that level of detail on notice—

**MS MCGRADY:** Sure.

**Ms Cross:** —but if I could make a general comment, we have in the directorate a partnerships team which is very competently, ably, brilliantly led by Yehuwdiy Dillon, and Yehuwdiy and his team are involved in all of the sort of policy programs and services across the directorate, so if we were entering a new contract or doing commissioning all of the people would consult with Yehuwdiy and his team to make sure that whatever provisions we are putting in are taking account of what we are trying to achieve under the elected body agreement through the Closing the Gap targets and that we have got appropriate measures in place and so while we take the detail on notice, it is just to give you an assurance that that is part and parcel of anything we are doing, that we actually consult that team to make sure that we have got the appropriate provisions in place.

**MS MCGRADY:** Thank you.

**Ms George:** I can probably add something there, Rebecca.

**Ms Cross:** Yes, Jacinta.

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**Ms George:** Jacinta George, Executive Group Manager, Health System Planning and Evaluation and I have read and acknowledge the privilege statement. My portfolio includes responsibility for contracts and grants management for the non-government sector. We have moved for the service funding agreements recently with NGOs to include a requirement for a service that is culturally accessible and culturally safe for Aboriginal and Torres Strait Islander people and for them to collect data about the services they deliver. We are in a process across government around commissioning for outcomes in the community sector and as Rebecca said, working with community and local organisations and the partnerships team about what we would want to commission to have best health outcomes in the future and some more detail around Aboriginal and Torres Strait Islander access and culturally safe services.

But we could provide the current wording that goes into the agreements.

**Ms Cross:** I think I can probably read that out. So the performance requirements for most services are to deliver a non-discriminatory service which is sensitive to the social and cultural values of the participant, their family, and their community. And then we also include either that they also have to implement strategies to ensure access for Aboriginal and Torres Strait Islander people and those from culturally and linguistically diverse backgrounds or that they will implement culturally safe strategies to ensure access by Aboriginal and Torres Strait Islander people and those from culturally and linguistically diverse backgrounds. So they are standard requirements that we include as well.

**MS MCGRADY:** Okay. Thank you.

So as a percentage of spending, how much is spent with Aboriginal and Torres Strait Islander businesses?

**Ms Cross:** Now I know I have got that figure. It is just how quickly I can find that in my briefing pack. Unless—

Fiona, would you like to—thanks.

**Ms Barbaro:** Good afternoon. Fiona Barbaro, Executive Group Manager, Corporate and Governance. And I have read and acknowledge the privilege statement.

So under the procurement policy we have a two per cent target for last year. But we have exceeded that and came out at seven per cent of our addressable spend. So that is \$6.8 million out of the available \$87 million.

**MS MCGRADY:** Yes, thank you.

**MR WALKER:** Can I ask—Maurice Walker. How many contracts have you entered into with Aboriginal and Torres Strait Islander businesses? And as a percent—are you just right—

**MS MCGRADY:** On the percentage, just on how many contracts?

**MR WALKER:** How many contracts? Or is it just going back to Gugan and

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Winnunga?

**Ms Barbaro:** No. So we have entered into—my row starts at five and ends at 26, which would make it 21 contracts. Or 21 different providers—

**MS MCGRADY:** Thank you.

**Ms Barbaro:** —of which all I think are Aboriginal and Torres Strait Islander controlled apart from two—

**Ms Cross:** So, yes. I am assuming that that would include when we contract workshops by organisations like Murrimatters. I know that we use Aboriginal and Torres Strait Islander firms when we do catering for workshops. So I am assuming the list that Fiona has run through goes beyond just Winnunga and those larger providers to cover all of the contracts we have entered.

**MS MCGRADY:** Thank you.

**MR WALKER:** Beautiful.

**MS MCGRADY:** Thank you. Any more questions from anybody? No.

So priority reform 3, transforming government organisations.

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

**Ms Cross:** I think probably the starting point would be to talk about the work we have been doing on the cultural integrity framework for the directorate. And we have been doing a lot of work within the directorate. And we started with a survey that actually looked at what our level of cultural competence was, using an acknowledged Aboriginal and Torres Strait Islander survey, to actually look at our level of cultural competence. And then have had a series of workshops across the directorate to talk through the results of the survey and start thinking about what we need in our cultural integrity framework.

That is at the process where I think we have a steering committee stood up to actually start finalising the drafting of the Cultural Integrity Framework. And that will then shape the action plan for the directorate going forward.

But I think what was useful was to actually start with a benchmark. So where the Elected Body is interested in impact, we can actually then go back in a few years' time and redo the survey and see has this had an impact in terms of improving cultural awareness within the organisation.

**MS MCGRADY:** Okay.

**THE CHAIR:** How are you achieving outcomes on the priorities from head of service in 2020?

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**Ms Cross:** Sorry?

**THE CHAIR:** How are you achieving outcomes on the priorities from the head of service in 2020?

**Ms Cross:** The priorities from the head of services, from Kathy Leigh?

So again, I am not particularly, I do not know whether—I mean, we basically—our priorities are determined by the Elected Body Agreement and the specific action areas of the health directorate within that or the ones which are whole of service. So there are—so I think, if I look at a whole of service one there is issues like addressing racism and certainly that is a focus within the directorate, and we participate in the whole of service working group.

So if that is the sort of thing you are referring to, again we draw them from the Elected Body Agreement and the specific focus areas and actions. And we actively support them and participate in them.

And if there is a particular one that you are interested in, we could go into more detail about what we are specifically doing.

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

**MR WALKER:** Funny you should ask that. I was going to say—

**MS MCGRADY:** Yes. So how do you work with other directorates in implementing the agreement?

**Ms Cross:** So I think there is a number of actions where we are the lead. And then there are other actions when there is different directorate leading and we participate. So a good example might be the focus area of children and young people—

**MS MCGRADY:** Yes.

**Ms Cross:** —which I think is led by the community services directorate. But we have a lot of input. And an example of that would be our Focus on the First Thousand Days of a Child's Life and the Best Start Initiative—I think that is what it is called, the Best Start Initiative, where we are looking at what is the health contribution for improving health and wellbeing for Aboriginal and Torres Strait Islander children and, you know, expectant mothers, all of those sorts of things. So that is an area where, while that would be a CSD priority, we hopefully play a really significant part in looking at those very early years of a child and the health-related aspects of wellbeing.

**MS MCGRADY:** Yes. Thank you.

**Ms Barbaro:** If you do not mind, I just wanted to correct the number. Me and an Excel spreadsheet do not always go well on a laptop. But I said 21 providers, it is actually 30. It is even better.

**MR WALKER:** Beautiful, even better.



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**MS MCGRADY:** So we will go onto systemic racism. So what have you done to review your legislation, policies and processes to identify and remove systemic racism? So I have two dot points, what has the directorate implemented to address systemic racism? And what legislation and policies have you reviewed and amended to address systemic racism? We can come back to those if you want.

**Ms Cross:** Yes, I am not aware of any legislation that we have reviewed. So I would like to take that on notice, so that I can just check.

The main thing that we have doing on systemic racism is participating in the whole of service working group that has been looking at that. And that is led by the education directorate.

Certainly within the directorate as well we are very conscious of looking at our staff survey results to make sure that if there is—if there are results coming through where people feel they have witnessed or experienced racism, that we look at those and work out is this just an individual incident or is it systemic racism. And again, that has been a strong focus of all of the work we have doing coming out of the most recent staff survey.

But I think the main area that we are working on is in that whole of government working group in the context of systemic racism.

**MS MCGRADY:** Thank you.

Racism. How has the ACT Health supported Aboriginal and Torres Strait Islander employees across the ACT public service to reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander people within government systems by 80 per cent by 2028?

**Ms Cross:** So within the health directorate, as I said, we had a lot of people participate in that survey. So people could understand their cultural competence and also get a—what everybody got at the end of that was a personal profile that showed the areas whereas an individual you were strong or where you needed to improve your knowledge or skills, your expertise.

And so, and as follow up to that we did the Murrimatters workshop. So a lot of focus for individuals in the directorate on—I think hearing what it feels like to experience racism and certainly in the workshop I attended people—the Aboriginal and Torres Strait Islander staff who were there were not just talking about their own experience but their families experience, their parents experience.

And so a lot of what we have been doing is trying to actually raise awareness and an understanding of what it is and what impact it has and then focussing on how we, as a directorate, can avoid that, overcome that. And, as I said, we hope that if we do a benchmark survey that in a few years' time we will see that some of things have improved.

**MS MCGRADY:** Yes. So how many incidents of racism are generally reported within

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the directorate each year? Do you have any idea?

**Ms Cross:** So if we were looking at the staff survey results, and there is a question about—I am not sure whether it separates racism and discrimination. But again, it was relatively low.

**MS MCGRADY:** Okay.

**Ms Cross:** There is a couple of areas in the directorate where it is higher than we would like. And I think that has gone down to a couple of quite specific incidents. So if you have an incident and seven people, say, “Well yes, I witnessed or experienced it,” that looks like it is seven, whereas in fact it might just have been one incident that a number of people saw. So we do that deep dive to try and understand.

But I think the rates were comparable or slightly lower than the rest of the ACT public service. And in most of the directorate they were lower.

**MS MCGRADY:** So they report it through the survey?

**Ms Cross:** That is where we get—

**MS MCGRADY:** That is where you—

**Ms Cross:** Yes, and we had a 75 per cent response rate to that survey, so that is a pretty good measure of what is happening in the directorate.

**MS MCGRADY:** So generally, how are they reported?

**Ms Cross:** Okay. So if anyone wants to report an incident—and I will come back to this. If they want to report, there is mechanisms available through our People Strategy Branch. And we have done a lot of work in the directorate, not just on racism but any inappropriate behaviour, to encourage people to report it. And if they are not comfortable going to the People Strategy Branch, to talk to their supervisor, to talk to a peer, so that we can get that information reported.

I think when we look at the staff survey results, we see that quite a lot of the incidents still are not being reported. So again, that is something that the staff survey is really useful to point to where we need to put further priority, further effort.

**MS MCGRADY:** So how does the directorate address these incidences or racism?

**Ms Cross:** So when an allegation is made, if it is reported to us, we would talk to our People Strategy Branch and work out what is the best way of approaching it. And in some cases, we will start with an informal process, where we talk to the people and see if we can resolve it or bring the parties together. In other instances there will be a formal process. And if it is appropriate, that can be by someone completely independent of the directorate.

So again, it is very much fit for purpose, depending on the nature of the allegation and also the action that the person is willing to take. Because at the end of the day if someone

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does not want to pursue a particular process, we will not sort of, you know, insist. But we would always encourage people to report so that we can properly investigate it and hopefully find a way to positively resolve it.

**MS MCGRADY:** So what does the directorate do in regards to prevention?

**Ms Cross:** So the prevention work again, that is the sort of work that we are doing through the Murrimatters workshops and were done through that survey, of actually trying to raise awareness within the directorate of the issues that people face and improve their cultural knowledge, cultural understanding.

**MS MCGRADY:** Thank you.

**THE CHAIR:** Is Murrimatters a training organisation? Is it an organisation in Canberra? What is Murrimatters, is it a program?

**Ms Cross:** It is a company that we have used a lot. I might ask Yehuwdiy, if he has got the detail on Murrimatters. But we have used them quite a lot in the directorate.

**Mr Dillon:** Hi. Thank you for having me. Yehuwdiy Dillon, Senior Director for the Aboriginal and Torres Strait Islander Health Partnerships Team. And I have read and understand the privilege statement as well.

**MS MCGRADY:** Thanks, Yehuwdiy.

**Mr Dillon:** Murrimatters was in the ACT for a long time. They are currently not based out of the ACT anymore. They do extensive work across a number of ACT government organisations, including for example, education. And the methods and the strategies, the first nations approaches, for example, the Engoori approach, is being used broadly across a number of organisations. And part of our responsibility in terms of our whole of government response, is to ensure that when employees are moving between directorates, they also have a commonality of language and expectation.

So part of us using some of these service providers is we are ensuring there is that cultural element in that support and that language and those strategies being used as well.

**MS MCGRADY:** Thanks Yehuwdiy.

Thank you.

So workforce. So we understand that ACT government is working to employ Aboriginal and Torres Strait Islander staff as a part of improving services to the community. There continues to be concerns raised across the community that some staff are not recognised, accepted or connected to our local community. So I have a lot of dot points on this question. So I will just go through them one by one, if that is okay?

How do you ensure that these meet the definition of being an Aboriginal and Torres Strait Islander person?

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**Ms Cross:** So most of our data on Aboriginal and Torres Strait Islander staff within the directorate, if that is what you are talking about? Is that what you are asking? How do—when we say, how do they meet the definition of being Aboriginal and Torres Strait Islander staff within the directorate—

**MS MCGRADY:** Yes, thank you.

**Ms Cross:** By and large that would be self-identification, other than their personnel records or in completing the survey when we ask whether you are Aboriginal and Torres Strait Islander people. And certainly with the survey we do not then go through a verification process. We just take that as that is how they are identifying.

**MS MCGRADY:** Okay.

**THE CHAIR:** What about the employees as well with identified positions?

**Ms Cross:** When we are employing them in identified positions?

**THE CHAIR:** What about the—yes.

**Ms Cross:** So again, unless anything has changed since I was last briefed on this, generally it is people who identify as Aboriginal and Torres Strait Islander people and say they are recognised in their local community as such. On occasion we may know people in the community, and we may just double check that. But we do not go through a formal process of requiring a certificate or anything.

**MS MCGRADY:** Okay.

**Ms Cross:** Yehuwdiy, yes.

**Mr Dillon:** ...(indistinct)... [1.38.51] as well. We have also been trialling responsive recruitment processes as well. And as part of that, rather than having a formal interview—we still have a structured conversation, but it is a conversation where the potential candidate is provided with an option of either a sit-down table conversation or a yarning circle. And as part of that we unpack who they are with them to a level that they are comfortable with, including their connection to community and how they relate to the ACT and region. And potentially for some of our roles that require some of our national level of coordination, what their connections are nationally as well.

So we are able to unpack that in more detail in a very comfortable and supportive and culturally responsive environment.

**MS MCGRADY:** Yes. And look, some of your answers might kind of feed into the rest of the questions, but each of these points are really important, so I will read them out.

How do you make sure that they have the lived experience connection with the community and is critical to their ability to engage with and deliver outcomes to the Aboriginal and Torres Strait Islander community?

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**Ms Cross:** And again, I think that has largely been answered by Yehuwdiy through those very sort of careful recruitment processes that we go through, which we try and do in a culturally appropriate way.

**MS MCGRADY:** How do you track compliance with the process?

**Mr Dillon:** So we have been unpacking that with our HR area. And looking at coordination across directorates as well, so we have also been sharing processes and approaches with other directorates across ACT government, looking at what they are doing and how they are running similar types of processes as well. So there is sort of mutual accountability factors in there.

I think that probably at the core of this question as well is around a specific request to produce proof of Aboriginality, or whichever term you would like to use on that as well. And I think that is a space that the whole of government really needs to really have a look at and understand as well.

For example, are we actually walking into exclusionary impact with individuals who have been disconnected from country and community and are trying to reconnect as well? And what does that mean in this context? But I also take it that we have to have people in this space and these positions who are connected to and understand this community and who also have the relationship to be able to drive effective change in this community as well.

**MS MCGRADY:** So how have these roles and their responsibilities been communicated to the community?

**Ms Cross:** You mean when we are advertising and recruiting? Yes.

**Mr Dillon:** So we have directly changed the language in our recruitment processes so that our advertisements more clearly highlight the roles, responsibilities and also the connection that we are requiring. We have also engaged in much broader levels of advertisements as well. So we have actually tried to engage on a national level as well in terms of our advertisements. Sorry, I lost the train of the question there. My apologies.

**Ms Cross:** Yes. I was going to say we also have information and resources on our website that are regularly promoted, and they are specific to Aboriginal and Torres Strait Islander people, again, so those resources are available.

**MS MCGRADY:** So how do you ensure that the advice that they give is culturally appropriate?

**Mr Dillon:** Look, absolutely, that is a test that has to happen again, and again, and again, and we can never take a one-size-fits-all approach. We can never take a single person, or a single part of our community as have the ultimate advice on almost anything, maybe with some exceptions. And so the way that we do that is to ensure that we are broadly consulting across a good cross-section of the community with a number of stakeholders on issues for us to understand the breadth of the issue and the experience here in the ACT as well.

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**MS MCGRADY:** Thank you.

**THE CHAIR:** What concerns me there is, when you advertise, you said you advertise out the ACT. So some of the people that apply for the jobs or could get one the positions are not from the ACT the advice for them would not be culturally appropriate because it is different.

**Ms Cross:** Yes. I think Yehuwdiy pointed to that fact that some of the work that we do as well is national work, and participating in national forums, and also I guess I would make the point that the—I hope this is all right—that the Aboriginal and Torres Strait Islander community within the ACT comes from a diverse range of areas. And so obviously, once you come here we want you to understand the local context, but I do not think we would ever exclusively recruit people who were from the local community. I think you can bring people in to work on different projects.

**THE CHAIR:** There are a diverse community, but the issues are in the ACT.

**Ms Cross:** Yes, and again, you would need to pick that up. And as I said, we have a partnership team in the Health Directorate, so there is a source of advice and support for people, including non-indigenous people if they are actually talking to the local community.

**Mr Dillon:** And I think you will probably hear this from all directorates, and certainly we raised it up to the national roundtable forum last year as well as a jurisdiction, that the health workforce is in a fairly diabolical state. But what we are hearing from our community providers is that finding Aboriginal and Torres Islander people who are suitably qualified and have the experience to undertake certain roles is very, very difficult locally as well. So there is also an element about how we are building local capacity with community as well.

**THE CHAIR:** And when you go out and meet with these—this national at site, you do not go out and do culturally appropriate services or cultural awareness of what happened in the ACT. So there has got to be a focus and a more thing on ACT—

**Ms Cross:** Yes. But those people in the national forums are putting forward an ACT view and ACT perspective, it is just that they are familiar with working in those sorts of national forums, which can be useful. I think when we went to the, there was a major roundtable in Adelaide. So we had the, the minister and I attended, and we supported Julie Thomas to bring the Winnunga perspective, and we have a member of Yehuwdiy's team who has done a lot of work in the ACT but was not actually ACT-based at the time that she joined.

So you get a mix, and it is actually sometimes that mix of perspectives, but very much driven by what has happened in the ACT and what we want to happen in the ACT.

**Mr Dillon:** And I think that is a really good example as well, because one of the things the directorate has been doing is to support some of the Aboriginal and Torres Strait Islander employees who may not be local. So that particular person was able to come to the ACT, live here for a number of months, form connections and relationships with



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service providers and with community in order to facilitate that work as well.

**MS MCGRADY:** And look, it is very important to have the expertise, whether we get it outside of the ACT into other states and into other jurisdictions. It is very important for us to have that expertise in that space. In that rehabilitation space, in that health space. So we recognise that as well. Thank you. So when designing roles, what are the requirements for specifying an identified or special measures roles?

**Ms Cross:** So certainly, we have got the workforce strategy. The ACT Health Workforce Strategy had identified that we need to have a number of identified positions in the workforce, and that was based on extensive consultations on the workforce strategy. So that came out of consultations, that we needed to have those positions, and we are now in the process of actioning that. More generally in the directorate, I might refer to Yehuwdiy. If you want to respond?

**Mr Dillon:** Yes. Look, absolutely. I think it is important for us to recognise as well that there is a responsibility for each of our organisations to be making our organisations culturally safe and responsible, so that Aboriginal and Torres Strait Islander peoples do not have to just go for those identified positions. They can come into any position in the directorate as well. I think that is an important thread we should not lose in that narrative.

**MS MCGRADY:** Yes, thank you. So how many Aboriginal and Torres Strait Islander people are working on projects or programs that are not specifically for Aboriginal and Torres Strait Islander community?

**Ms Cross:** I think we would have to take that on notice.

**MS MCGRADY:** That is quite okay.

**Ms Cross:** So there is a head count of 18 Aboriginal and Torres Strait Islander staff in the directorate. A number of them are closely involved with the Ngunnawal Bush Healing Farm, but all of the staff in Yehuwdiy's team work in programs across the full range of policies and programs, and so they are consulted in what we are doing in commissioning, and they are not for specific Aboriginal and Torres Strait Islander services but to make sure that those other services pick up and are culturally appropriate.

So I would say all the staff in Yehuwdiy's team work on areas that are not specific to Aboriginal and Torres Strait Islander people but also work on some services which are. So I think we would probably have to take that one on notice.

**MS MCGRADY:** Yes. That is okay.

**Mr Dillon:** But can I just highlight there as well that the directorate's commitment to also ensuring that cultural load is considered consistently around part of the discussion about project and workloads, and that there is a great level of sensitivity to what people can and cannot work on in the directorate as well, given their roles and responsibilities in community as well.

**MS MCGRADY:** Thank you. So on recruitment panels, has there been an Aboriginal



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and Torres Strait Islander person independent of government been part of the panel to help with assessments?

**Mr Dillon:** We could probably talk about the Bush Healing Farm recruitments.

**Ms George:** Jacinta George—

**MS MCGRADY:** No, just on panels. Just on recruitment panels, general panels.

**Ms Cross:** Yes. I am not sure. Again, I would have to check with people, strategy and culture branch. I suspect that there are some panels where there are, and other where they are not, but if it was an Aboriginal and Torres Strait Islander identified position, or a position that was very closely working on an area, then I am sure that that is something that we would endeavour to include.

But I do not think it would be across every recruitment panel for every position in the directorate, and again, if all directorates were to do that it would put a huge workload on our Aboriginal and Torres Strait Islander staff and any independent people that we brought in. But certainly, where it is a position very closely working with community then that is something that we look at.

**MS MCGRADY:** So how does a directorate train and assure the cultural competency of its employees?

**Ms Cross:** So again, I think we have talked about that a little bit in the context of the integrity framework, but I am just looking at my brief, which actually says when I talked about the MurriMatters consulting, just to give you a sense of scale, they have delivered 40 inquiry workshops with 288 staff attending. And certainly from my experience and what I have seen, an awful lot of senior executives have been participating in that, which I think is important, because that sort of means that at those decision-making levels you have got that awareness.

So that is a key part of what we do. I think it is also part of our induction program, when we induct staff. I will just see whether, Yehuwdiy, whether you want to add anything else?

**Mr Dillon:** I think observable impact is something that we are bringing up regularly as well, and an example of impact directly after the inquiry workshops, note we had areas who reached out and specifically dedicated segments of their budget to further cultural training. We have also had reach out from managers and leaders as well, around rolling cultural capability elements into professional development plans for employees as well and having funding sit alongside that too.

**Ms Cross:** And actually, thank you for reminding me, we had money in our budget for wellbeing initiatives for each area of the directorate, and a number of areas the wellbeing initiative they chose was to do something on Country. So to have a cultural wellbeing on Country, which was really encouraging, again, as a result I think of the work that we have been doing that there was this huge interest in awareness from staff across the directorate.

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**MS CHIVERS:** Can I just ask—it is Jo Chivers—you mentioned that 288 ACT Health staff had participated in the MurriMatters workshops. Just so we can get an idea of scale, what percentage of total ACT Health staff would that be?

**Ms Cross:** So the number of staff varies, but I think at the moment we are probably between 800 and 900. So you would be getting close to a third of staff.

**MS CHIVERS:** Thank you.

**MS MCGRADY:** So my next lot of questions is around priority reform 4. So how are you progressing the principles of indigenous data sovereignty?

**Ms Cross:** So, I am really glad that you looked to this area, because it is an area where we have been doing a lot of work. Again, a lot of these things take longer than we would like, but we have been doing a lot of work in this area, and in some ways—maybe I am overstating—but leading the whole of government effort in this area, maybe, Yehuwdiy, in the work that we are doing? So I will get Yehuwdiy to give you a bit of an overview of what we are doing, but this has been a big focus for us, and I think getting the point where all the hard work is going to start to come through.

**Mr Dillon:** Absolutely. Thank you, Rebecca. So about 12 months ago we started work with the national group that was putting together the Aboriginal and Torres Strait Islander health roundtable. Into that group, we raised with every jurisdiction a range of topics to be discussed at the national forum, and one of the critical elements in that was indigenous data sovereignty and governance.

We have also had a range of other work happening in the background prior to that, around data linkages projects, for example, and other data work in the background for ACT Health. We have developed a relationship with Professor Ray Lovett and the Maiam Nayri Wingara, MNW group as well, and they are currently contracted to work with ACT Health to undertake a new indigenous data sovereignty and data governance project.

We have committed money from the last financial year and this financial year into this project and have coordinated across government as well. So we have made sure that we have coordinated with CSD, ASD, we have also been going through IDC and we have also presented up through the various data groups of government data groups as well.

Our project is sharp and narrow. We have kept it sharp and narrow, specific to ACT Health, and we have been very explicit with every single stakeholder that whilst it plays into broader national and local agendas, for example the work that the NIAA and CMT is undertaking in this space, that we need to achieve outcomes for ACT Health with First Nations people in the ACT. So we are keeping it sharp and narrow, our project.

But with that, we have also been explicit that we are engaging with the Health Directorate, both in their training but also in transparency, of ensuring that everyone has line of sight into our project so they can learn from the good choices we make, but also when we do make mistakes that they can learn from those as well. So we are currently in phase 1 of the project. We have a pilot project of training built around indigenous data sovereignty and governance with MNW, Professor Ray Lovett, and we

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have a list of people who we are inviting to that, including the elected body.

**MS MCGRADY:** So that will appropriately identify Aboriginal and Torres Strait Islander people receiving services in your directorate then?

**Ms Cross:** I think the sovereignty issue is more about the ownership of the data. In terms of Aboriginal and Torres Strait Islander people receiving services, we did, early on in the tenure of the elected body, put together a presentation that presented all of the Aboriginal and Torres Strait Islander health data, and we provided that to our then-elected body member, and I believe she may have had a presentation to the elected body.

So we had some work within the electorate already to pull together what data we hold about the health status of Aboriginal and Torres Strait Islander people, how that compares with non-indigenous people, how that compares with other parts of Australia with a similar income level—because that is sometimes a more relevant comparison. So we have got, always, a lot of room to improve but we have got data on the services provided and so on.

The data sovereignty is really looking at the ownership of the data and custodianship of the data as well.

**Mr Dillon:** Yes. So data sovereignty is really looking at the creation, collection, ownership, application and governance of that data, and we have made sure that part of our contractual obligations for the next phase is we actually have the workshops that we are piloting with ACT Health and other government staff will also be available then to community as well. So we are having a shared understanding of that journey, as well.

**MR WALKER:** Rebecca, are you talking about the start of this term?

**Ms Cross:** Yes. So when Leah was our elected body member.

**MR WALKER:** I just wanted to say that we did not receive that presentation. So would you be able to provide that Member McGrady so we could see it again?

**Ms Cross:** Yes. We would be very happy to provide the PowerPoint, and it goes to issues like—it goes to preventative health, it goes to access to services. All of those things.

**MS MCGRADY:** Thank you. Thank you, Member Walker. I will ask some directorate-specific questions around the national agreement. So the national agreement target is that by 2028, 91 per cent of babies born to Aboriginal and Torres Strait Islander mothers have a healthy birth weight. The latest data from the Productivity Commission show the ACT not having met this number since 2018. Do you have updated local data on this outcome, and what are you doing to close the gap?

**Ms Cross:** So, again, I am happy to take on notice what the most up to date data we have is. The main point I would make is that for a number of these indicators in the ACT, the sample size is very small. So even if you get minor fluctuations, we would say—so I think, occasionally there will be a slight change in the numbers but it is not

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statistically significant. So I am happy to provide the data that we have, and we can give you that trend of data as well, but just with that caveat that because of the small population often it is not reported for the ACT and other small jurisdictions. I do not know whether you have got that data to hand, Yehuwdiy.

**Mr Dillon:** Probably not for the precise you were asking, but I know that from prior conversations as few as two or three babies can make a significant difference to our data. As few as two or three, that is the kind of numbers we are talking about. And also recognising that every single child is critically important, as well as those two or three children.

**MS MCGRADY:** Just in relation to that, the data aside, what are you actually doing to close the gap, I guess was the other part of the question that as the elected body that we are really interested in.

**Ms Cross:** Is this on the health birth weight?

**MS MCGRADY:** Mm-hmm.

**Ms Cross:** So again, I am just looking at the briefing which again is saying that the changes we have seen are not statistically significant. So there has been no change in the rate for the ACT. Again, I talked earlier about the First 1,000 Days strategy, which is focusing on baby through to year 2, and also includes the time when the mother is pregnant. So that strategy is very much looking at how we improve outcomes, and I think we have got a number of other strategies in the ACT Health system, like Maternity In Focus, which is also looking at that.

Whether there is anything that we are doing specifically with the Aboriginal and Torres Strait Islander community—again, there were three recommendations in Maternity In Focus. One was looking at more birth on Country. I cannot remember what the other two were, but there are a number of reviews which have been done and recommendations which we are actioning.

I will just see if I can find the Maternity In Focus one, but again, it is quite specific things we are doing which are aiming about really addressing the issues for mothers when they are pregnant and when the child is initially born so that we get the best possible outcome, and in that Maternity In Focus at least three of the recommendations were specific to Aboriginal and Torres Strait Islander families.

**Ms George:** Can I help with that one? The other ones were continuity of maternity care, to expand midwifery-led care for women to improve access with post-natal transition for Aboriginal and Torres Islander people and others.

**THE CHAIR:** Through Winnunga?

**Ms George:** Was it specifically through Winnunga? I will get some information on that.

**THE CHAIR:** The First 1,000 Days, who is that through?

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**Ms Cross:** The First 1,000 Days? That is a joint strategy that was launched by the Education and Child and Families Minister. So by Minister Berry and Minister Stephen-Smith.

**THE CHAIR:** Is there data on how many Aboriginal mothers are accessing that?

**Ms Cross:** It is a broad strategy which is about how we improve services and support in those early days, but we can have a look at what data we got through the Maternity In Focus report if that is useful.

**MS MCGRADY:** How many Aboriginal mothers access continuity of care compared to other people? If you could take that one, thank you.

**Ms Cross:** That would be great, thank you.

**MS MCGRADY:** So, ACT Agreement. Describe the progress against the cultural safety framework. So increased vaccination coverage rates of Aboriginal and Torres Strait Island people in at least two of the following three cohorts: 12 to 15, 24 to 27 months, 60 to 63 months, relative to the baseline under a coverage rate of 95 per cent is achieved.

**Ms Cross:** I am just seeing whether Christine has that data, but I would start again by saying, I think, as a general comment I think the vaccination area the ACT actually does quite well compared to the national data, but I will just see whether Christine has any data that she can provide.

**Ms Murray:** Thank you so much for the question. I have read and acknowledge the privilege statement. So we have seen variation in relation to the vaccination figures. As Rebecca has indicated, in the ACT we do have strong vaccination generally. What we have seen though, is a dip-off post-COVID of people who are accessing vaccination generally.

So what we are seeing is, I think people have got a little bit of vaccination madness. I am sure there is much more technical way of explaining it. So we are continuing to push and encourage people to get back onto those regular vaccination side of—

**THE CHAIR:** How are our Aboriginal mothers supported? Is there an extra with Winnunga, is there access where they—because not many of our Aboriginal women access the child and family centres to get the information. So how would you get the information out to the wider community with Aboriginal women?

**Ms Murray:** So we do have some work that we do with Winnunga. Winnunga is probably one of our strongest relationships. We do obviously send that information out. We do find that West Belconnen Child and Family Centre has a really strong connection as well to local community in the West Belconnen space, but we are always open to feedback, ideas on how we can actually support people to increase and even have those conversations with care providers on vaccinations to allay any of the fears.

Obviously, general practice is another really important connection, which is another reason why Winnunga is a really strong access point for us. But it is those trusted

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relationships where those deep conversations can be had. That being said, I just want to reiterate we have a really good vaccination rate across the board in Canberra. We are just being open and honest that we have seen a dip broadly in relation to vaccinations generally post-COVID, so we are on to it.

**MS MCGRADY:** So, nought to five year olds. So how are you providing an increase in the proportion of Aboriginal and Torres Strait Islander children and young people accessing early support health services? I do not think I have read that question.

**Ms Cross:** I think you have read it. I am just not sure I am going to be able to answer it.

**MS MCGRADY:** I think it might be a little bit of a typo. So, increasing in the proportion of Aboriginal and Torres Strait Islander young people accessing early health support services. So any figure around that?

**Ms Cross:** I think that, potentially, is the First 1,000 Days work which is a really collaborative cross-directorate effort, and I think, as Ms Keed was indicating earlier, there are the child and family centres who play a part. Winnunga plays a really critical part in that place and space, but so does the education system in terms of identification, and some of those, in terms of CSD responsibilities.

**THE CHAIR:** I appreciate you are tracking all this here. Is there any barriers to stop women accessing this service? Like, I am thinking the CYPS intervention or with transport issues, or is there any barriers that you have come up against?

**Ms Cross:** So I would think I would make a general observation in terms of accessing health services, that is actually quite hard in the ACT for some people to access general practice, and I think that is relatively well-known. We have got one of the lowest numbers of GPs per head of population. We have got very low rates of bulk-billing, and so quite high out of pocket expenses.

Now, most GPs, even if they do not advertise bulk-billing, will bulk-bill people on low income and will bulk-bill children. But if that is not well-known, I would say that is possibly the biggest barrier. But you would know that Winnunga promotes itself sensibly in community so that people know they can go to Winnunga. But I think the biggest barrier is affordability. I have to say, it is worse down the coast. I had a chest infection and though I would just book a GP, and I could not get a GP appointment, or I could not find one within about six weeks.

But again, I think for people in Canberra that is sometimes a barrier, but that is why Winnunga such an important service for community.

**THE CHAIR:** How are you supporting those barriers?

**Ms Cross:** In terms of access to GP? Well, as I said, I think it is the fact that we have quite extensive contracts with Winnunga so that they are available for community, and I know I hear them promoting the service regularly. That is probably the key way. We are also working with the commonwealth on a primary care pilot, which is to try and provide better support for people through primary care and an urgent care centre, so



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that people do not need to go to an emergency department.

So there are a lot of initiatives that are underway, and we would hope that they target people who have difficulty accessing services, particularly for affordability reasons.

**THE CHAIR:** That initiative, probably a little while off. Is it designed specifically for Aboriginal and Torres Strait Islanders? Will you have a conversation with community, or?

**Ms Cross:** The primary care pilot? So we are in the stage where we have been negotiating with the commonwealth, and the parameters were very much—it has been designed around supporting people with chronic health conditions. And so, as we get to the next stage of working out which GP clinics will be involved, then absolutely we would need to look at how they are going to connect in with the Aboriginal and Torres Strait Islander community, particularly those with chronic health conditions or who regularly need to go to the emergency department.

But we are just at the stage of working through which general practices would be involved in the primary care pilot.

**THE CHAIR:** I just got a message from community, and it says, “We can’t access paediatric services, speech therapists, clinical psychologist specialist services are non-existent.”

**Ms Cross:** Yes. So there are a number of areas where there are workforce shortages in the ACT.

**THE CHAIR:** They have been for a while as well, Rebecca, and I listen to community. There is a lot of young mothers that I work with that their kids are having trouble with their speech, and Aboriginal children that are being put in the back of the classes, or way behind in classes or learning, and ACT Health has been hung up for a long time by the sound of what you were going to say next.

Why are you not any further ahead with this here, then for a message to come through from the community with concerns? How far off is this, because it is urgent? I know from a personal—a number of you talk about my personal stuff, but I know from my personal experience that this has delayed our Aboriginal kids, and not having access there, I mean it is frustrating at times. How far is this off, and is it going to happen?

**Ms Cross:** Yes. So in some instances where we have these shortages, these are national shortages, and so it not just that we cannot recruit these people in the ACT. Everybody across Australia is having trouble recruiting them. I think, and again I am—

**THE CHAIR:** But being a small jurisdiction, you would think—and it is a priority, you would think—and with our agreements and everything, you would think that would be top there. And you are talking about the early childhood, and yet we are so far from it. As a small jurisdiction with a small number of Aboriginal people, you think, “Hang on a minute, if our kids are dropping behind, maybe we should just push this way a little bit.”



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With the COVID vaccinations, right up there with this, but we are talking about our Aboriginal and Torres Strait Islander babies. There is a next generation coming up. Come on, we have got to start moving forward and thinking. “Hang on a minute, if this what we are behind, why is this not sitting up close by.”

Because I have seen, and I sit with a lot of mothers that are in tears, and it only come out the other day that maybe this little fellow has got hearing, and I was thinking but that should have been tested. This little fellow is in year 1, and to cannot have access like that.

**Ms Cross:** No, I agree completely and I think we would all agree that early identification, early intervention is absolutely what is needed. I think there was—again, I am not the right person but I think there was an expansion of the child development service in a recent budget to bring in, so again that is an ACT government service which is very much targeting children who have development needs and targeting that early.

I think there was an expansion of that service to employ more allied health professionals, but again that is not within the Health Directorate; that is within I think the Education Directorate now.

**THE CHAIR:** For the immediate will they fund fly-in and fly-out specialists. That is for the—

**Ms Cross:** So the Canberra Health Service does on occasion bring down specialists from Sydney to actually offer clinics and things in Canberra. I might see whether—so Jacinta has been doing a lot of ad hoc service planning because we are very, very conscious of this issue.

**THE CHAIR:** And if that is the case, how can we get it out, advertised? I mean, through Winnunga, through whatever health services you have got to make sure that our mums, dads, grandparents, caregivers, have got access to it because Health Services, like you know—

**Ms George:** Specialist services.

**THE CHAIR:** Specialist services.

**Ms George:** It is something the Minister for Health established an expert panel on child and adolescent health services to guide us to complete a child and adolescent health plan, and this is something that they have identified and need to connect the assessments process, the CSD process with the health process for treatment, but also barriers to access by Aboriginal people and we spent a reconciliation day with some surveys talking to Aboriginal families and access to specialist treatment was something that came up a lot, and the chair of the panel Professor Bryden spoke to a number of families about the issues they have been having.

So the panel is just looking at that evidence and working out how we can get a smoother system and better access of Aboriginal people. So that, I expect, will be a key recommendation in their report.

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**THE CHAIR:** Can I ask another question. Even that speech therapist, that can delay our kids with a lot of stuff with moving forward with their learning and with other things especially kids with English as a second language.

**MS CHIVERS:** The thing that concerns me is that in a lot of your responses and talking about how you are promoting services to young families and mothers, etcetera, there does seem to be more of a focus on using Winnunga, but I am just concerned because we know that a lot of our Aboriginal and Torres Strait Islander families in the ACT actually do not use Winnunga. So how are you actually targeting those families?

**Ms George:** That is something that has come up. We have been doing a plan for the northside residents of Campbell to inform the planning for the hospital but have broadened it out into community services as well, and the number of Aboriginal families with young children with a disability or chronic condition who have challenges accessing health services has come up. So our next step is to really look into that and to make recommendations about what services are needed so that people can better access them.

We do understand that not everybody chooses to go through Winnunga and that is based on the south side. So really we are at that step of having—this information has come to us from a lot of parts of the community and we are just working through what good recommendations might be to put into action.

**MS MCGRADY:** And we cannot expect Winnunga to be everything, you know, health perfect for our community in the ACT because that would be so exhausting one medical centre but the geographics of our mums with children, families that do live north side and other areas away, their income also plays a part in mums having to get their bubs to appointments and that. So if we can kind of expand that in some way and pay attention to that, particularly—Tanya and I have spoken about this often. Right from before when these mums are pregnant with our Aboriginal and Torres Strait Islander babies, and those thousand days absolutely we would like to see a lot of attention paid to that, and be mindful of those differences, again the geographic.

Not everyone will access Winnunga but we need to make sure that whoever that Aboriginal parent is with that—or that Aboriginal child is, that they get the best support. It is those topics like ear, nose and throat issues, hearing issues, speech pathology. I dare say that it has touched our lives in a personal capacity as well, so it is quite a common theme.

**Ms Cross:** And I think it would probably as well be worth asking CHS similar questions because they have the community health centres as well and they employ a lot of allied health professionals there, and one of the things we have been looking at is how we can, through the primary care pilot, get better bang for buck out of those resources, if that is the right term to use.

We will be working with CHS in establishing health hubs across the community. That is another government commitment. So there are lot of opportunities to pick that up.

**MS MCGRADY:** Yes, and we would absolutely really want to engage a lot more ACT Health for the rest of our term anyway.

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**Ms Cross:** And again, I think Jacinta's report on child and adolescent health—well, not Jacinta's but the chair's report but Jacinta's supporting the process, will definitely go to these sorts of issues.

**MS MCGRADY:** Yes, thank you. Next topic. So drug and alcohol rehabilitation. So provide an update on the establishment of residential rehabilitation for Aboriginal and Torres Strait Islander people in the ACT. We already have the answer to this question but I will ask. We understand that the budget announcement described 45 million for the West Watson Health Precinct. We do believe 70 million was set aside for Winnunga. But does this include capital and operating costs?

**Ms Cross:** I will hand over to Ms Lopa who is managing that process.

**Ms Lopa:** Thank you. So Winnunga has been provided funding, some recurrent funding, operational funding as well for training up of their staff. I just cannot remember what that is off the top of my head but as well as the capital I think for the building of the building. So basically they are in control of all of that. Designing the services, building the building—not themselves but hiring an appropriate contractor to build the building, and then operationalising it.

We will still need to work in partnership with them on the subdivision of the land and the servicing and all of those things which we are doing. Yes, so they have got the capital funding and then they also have some operational funding as well to be training up those staff and being ready for it to open.

**MS MCGRADY:** That is great, thank you very much. Questions from anyone? So provide an update on the zoning and conditions of operation of the Ngunnawal Bush Healing Farm. Acronyms are my worst nightmare.

**Ms Cross:** I will try and answer this and Jacinta will jump in if I get any of this wrong. I think the zoning of the Ngunnawal Bush Healing Farm land does not allow for clinical services to be offered, but the bush healing farm concept is it is for people who are actually—it is about the healing journey so that they have finished their drug and alcohol rehabilitation. They no longer need that as a clinical service per se, and they are going to the Ngunnawal Bush Healing Farm for healing, general life skills, all of those sorts of things.

So that is consistent with the zoning, and that is the same model that we are looking at for the residential program. I am looking at Jacinta and she is not jumping in so I must have got that right.

**MS MCGRADY:** So the zoning issues were about residential?

**Ms Cross:** So the zoning issues came up some years ago when I think a tender was let and it was for more clinically-based services, and then it was found that that actually was not consistent with the zoning so that service could not be offered there. That was some years ago. Since then we have been operating as a healing farm with day programs.

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**Ms Lopa:** So it will not impact a residential program that is based in the healing community. The current zoning will fit that model. It is not something that is stopping us going to residential.

**Ms Cross:** The residential model will not be a clinical one; it will be a healing process so it is fine for the day program, and it will be fine for the residential program.

**MS MCGRADY:** What is the status of the review into the Ngunnawal Bush Healing Farm?

**Ms Cross:** So I think we got the report from the consultants that we engaged about a week ago, and that is currently—I am only just back from leave. This is my first day back from leave today so I have not seen the report but obviously we will have a look at the report and do appropriate briefings and then work out the next steps.

**MS MCGRADY:** So the next question you cannot really answer if you have not—it is what are the key recommendations from the review.

**Ms Cross:** And I think even if I had read it, we are not at the stage of reporting that publicly. There is some internal processes we need to go through. Obviously some of the first people we would want to talk to would be the existing other members of the advisory board. So we would think it would be most respectful to engage with them before we sort of enter into some sort of discussion.

**MS MCGRADY:** So how many programs have been run at the Ngunnawal Bush Healing Farm since the 2020 elected body hearings and how many people have participated?

**Ms George:** I can tell you how many since it was established in 2017 but I will take on notice since 2020. So we are in program 14 at the moment and with 15 planned. We have had 154 clients since that time. We have got 18 clients registered for current program. About eight of them engaged in the program regularly.

**MS CHIVERS:** Can I just ask, in relation to that, so the 115 that you mentioned.

**Ms George:** 154, sorry.

**MS CHIVERS:** 154. I guess what I am interested in is the fact, and we have heard this previously as the elected body that yes, that might be the number of people that commenced the programs, but then by the end of the programs quite a few have dropped out. So you said 154. How many have commenced or is that how many have actually completed the program?

**Ms George:** It is the number of commencements but I will look and get information for you on the number of graduations so people who finished, and some of those 154 are repeat—people who have come to a number of programs but I will get the graduations.

**MS CHIVERS:** I think that would be good because we have had some concerns about—that there may be quite a high number of commencements but then the number of people that actually complete the programs is significantly quite low. So that would

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be good.

**Ms Cross:** I think it varies from program to program, and I think—and again during COVID when we had to do some of them virtually rather than face-to-face. Those things can impact. I think one of the benefits of the residential program is that once people are there, they will stay there on the farm and not have the day-to-day distractions that can happen when you go home. So yes, we are very conscious of that as well.

**MS CHIVERS:** Although I would note that it seemed to be initially from prior to COVID so yes, it is not just a COVID—

**Ms Cross:** No, no, I was just saying during COVID I think the hybrid model was just another factor that was a contributor.

**MS MCGRADY:** So what is the role and skill sets required for the elders and residents?

**Ms George:** I will provide information on the full list of skill sets we required but an Aboriginal person who can provide advice and mentoring to clients as they need it but to the program in general about most culturally appropriate way to approach the program. At the current time we have appointed one elder in residence Part of the budget appropriation for the residential program is to look at how—and expand that if we can as we move into residential program.

**MS MCGRADY:** So we have the day program operating now. So any idea about when the residential programs—or no?

**Ms Cross:** Well, we are still actively engaging on establishing the residential program. Before we took any final decisions we would want to have the advisory mechanism in place, and as you know that is currently suspended, but we are still actively engaging with organisations that have experience in delivering these types of programs, actively engaging with them so that when we are ready to take the next step we have actually done that detailed investigation of the sort of model you would put in place or the the key components and what are the critical success factors.

I think as we said earlier we would like that to be delivered by an Aboriginal-controlled organisation. Whether we can get there in the very first step that will depend on who is available to run it but we are still working very hard on the residential program so we can get that up and running as soon as possible.

We know members of the community are really keen to have that service available, and we are too.

**MS MCGRADY:** And also to take note that, you know, with having those discussions as well with Yehuwdiy.

**Ms Cross:** And, again, this is not just something that we talk about at these hearings, you would know Paula. It is an active discussion every time we meet with our elected body of representatives.

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**MS MCGRADY:** It absolutely is.

**Ms Cross:** And we know the importance that is placed on this program.

**MS MCGRADY:** Yes, thank you very much.

**MS CHIVERS:** Noting that Jacinta has taken on notice the skill set in relation to the elders in residence component of the healing farm, the other thing that community are really interested in as well is that it does not appear that it was actually advertised more broadly when you were actually commencing the elders in residence program and that community, and especially elders in the community are concerned that they did not actually get an opportunity to apply for that program to be the elders in residence.

**Ms Gross:** That is also I think my recollection but can we take that on notice and just go back and check what process. It may have been a process that involved the board rather than community. So if we can take that on notice, we will come back to you on that.

**MS MCGRADY:** So health planning, how is the ACT contributing to the national health sector strengthen plan?

**Ms Cross:** Is this about the—I am just checking, is this about the—sorry, Member Walker.

**MR WALKER:** Just one more question on the bush healing farm. The history of it obviously was around—it was never intended to be a clinical because of the zoning of it, obviously, because I know that from history it has been about two years at the tribunal answering lots of complaints about it being built out there, and then I guess one of the decisions was made around because of the residents in the area fearing about having residential care and Aboriginal and Torres Strait Islander people out there going through rehabilitation, obviously—now that we are looking at providing residential healing, I guess we want to know what is the progress I guess—I know that we are building another—Winnunga is involved in building another rehab but it is just that it seems to be a little bit obviously a long time coming now because it has been sitting out there kind of underutilised really because of 154 graduating, and you said you would take that on notice to find out who started the program, how many have completely finished it so it is a big space to be sitting out there and being underutilised as it is.

**Ms Cross:** Yes, so I think the bits which are underutilised are the accommodation component. Certainly the rest of the centre is being used for the day program. We have also been encouraging different groups to hold meetings at the bush healing farm because it is such a beautiful site, beautiful facility. So it is underutilised, particularly the residential, the rooms, and it has taken way too long so I do not disagree with that at all, and at the moment our priority is just to see how quickly we can get a good residential program delivered by an Aboriginal and Torres Strait Islander provider that meet the need of community up and running.

Once the residential rehabilitation centre is built at Watson, you would expect that there could be referrals between the two. That when someone finishes at that centre, the next step in their journey might be to go to the Bush Healing Farm. Again, that is something



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that as we develop the model we will absolutely be looking at, but there will be plenty of other people who can benefit from the Bush Healing Farm who will not come directly from the that referral pathway.

**MS CHIVERS:** In relation to the amount of money that the Healing Farm, you know, has had spent on it. A hundred and fifty-four people commencing programs in six years is not a lot of people over a six year period. The community is quite frustrated about the cost in relation to the Healing Farm in that regard, and often feel that the money that is being spent on the Healing Farm could actually be better spent on other programs for Aboriginal and Torres Strait Islander people in the community. Yes, I understand what you are saying about utilisation, but even taking that into account 154 commencements in six years is incredibly low.

**Ms Cross:** It is not ideal, and we could go back through the history and sort of unpack the different issues, and sometimes it has been about our access to staff to deliver the program, other times it has been issues with—I think, Jacinta said we have got 18 referrals, but at this stage eight people taking it up. All of these things are incredibly complex, and I do not want to give a simplistic answer, but we are conscious of that, and we are looking—I think the residential program—there is nothing else like that here. If we can get the residential program operating, we would hope to see, based on similar services offered elsewhere in Australia, we would hope to see some really positive outcomes, and that is what we are aiming for.

**MR WALKER:** This is probably the last question on the Bush Healing Farm, Madam Deputy Chair. When the review is seen by yourself and you have talked to everybody involved, will there be opportunity for other uses of the considered uses of the Bush Healing Farm for women and children in particular. Obviously because some of our community members think that it is not up to the government who uses the facility. Obviously there is a criteria that should be developed in relation to the community needs, and hopefully they can be utilised from that vise as well.

**Ms Cross:** I think at the moment the government commitment is to our residential service on the Ngunnawal Bush Healing Farm. One of the things you would need to consider is if you have got a residential program running, whether you could do anything else on site at the same time, or whether you would specifically do that. Again, that is something we are very happy to look at and consider, but the commitment at the moment is to have a residential program running there. Again, depending on what the model of care is, whether that is 52 weeks of the year, or whether it is a 20 week program and then a break. We just do not have that level of detail that needs to be worked through, but certainly happy to take on board that feedback and consider that.

**MS MCGRADY:** Phil, any more questions about—No. Moving on. Health planning. How is the ACT contributing to the National Health Sector Strengthening Plan, which is part of the national agreement. It is priority reform two.

**Ms Cross:** I am just going to check whether Yehuwdiy has got any information on that, or whether we take—this is the national strengthening plan or—I think we need to take that on notice, Paula.

**MS MCGRADY:** Yes. Take that on notice. How do you ensure that all new ACT



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health programs, strategies and policies take into account any impact on the needs of the ACT Aboriginal and Torres Strait Islander population?

**Ms Cross:** There is a wellbeing impact process that goes through any sort of new policies that are being put forward to government. That works quite specifically at impact on Aboriginal and Torres Strait Islander people. If their programs and strategies being developed within the directorate then, as I said, we would usually engage with the partnerships team to make sure that any consultation processes were appropriate, that any requirements of a provider were appropriate, and so that is a really important role that Yehuwdiy and his team play. They are probably the two key mechanisms.

**MS MCGRADY:** How has the directorate adjusted service delivery effort for Aboriginal and Torres Islander young people given the growth in this portion of our population?

**Ms Cross:** Again, I am just wondering whether you want to talk about some of the services we are doing in mental health, Elizabeth, for young people because that is an area. It is not necessarily specific to Aboriginal and Torres Strait Islander people, but where we are particularly looking at a trauma informed approach for young people because that is so important in this area. Maybe, Elizabeth, you could talk about what we are doing there?

**Dr Moore:** Elizabeth Moore. There is a number of things we are doing in the children and young person space, and Aboriginal and Torres Strait Islander people have been part of the process. We have a children and young persons community of practice that Gugan sometimes attends. People come in and out of that. We recently had our first formal meeting of the children's and young person's services alliance at which Gugan was a major player.

One of the things that we are doing in that space is to ensure that there are good connections between services, and that people learn from each other. That is particularly important that there is cultural awareness, no matter what the service delivery is. We also have a trauma informed position statement that we have been developing, and that is particularly important in, obviously, the Aboriginal and Torres Strait Islander space with the stolen generations, with the continuing trauma that people feel.

**MS MCGRADY:** Who is contributing to that?

**Dr Moore:** It was done through our—a mental health policy and strategy team. There was wide spread consultation through the Office of Aboriginal Affairs, CSD and service providers.

**MS MCGRADY:** Look, I have got another question while you are at the table, Elizabeth. Just around mental health. What is the plan to meet demand for crisis mental health services for Aboriginal and Torres Strait Islander people?

**Dr Moore:** A number of things in this space. In terms of crisis, we have PACER, of course. PACER is the Police, Ambulance and Clinical Emergency Response, and that is run through CHS, so I would ask CHS more about the actual operation of that, but certainly that was set up to be culturally appropriate. In other spaces, the Detainee

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Mental Health Strategy. Although that is AMC specific, we also have an input into Bimberi obviously, and we would want that to go across both sites.

**Ms Cross:** Chair?

**MS MCGRADY:** Yes.

**Ms Cross:** I just wanted to check. I am fine until about five to three, but we were meant to be finishing at 2.30. I am not sure whether—

**MS MCGRADY:** Yes, we are a lot over.

**Ms Cross:** —other people are meant to be in other meetings, that is all.

**Unidentified Speaker:** You could put them questions on notice.

**MS MCGRADY:** I can, yes. Would you like me to?

**Ms Cross:** I am happy to keep going. I am just conscious that some other people who might have other meetings that they were meant to be at, that was all.

**MS MCGRADY:** Yes. Do we have people waiting as well?

**MR WALKER:** We will have, so you can provide the rest in writing.

**MS MCGRADY:** Yes. Is that okay? No, do not be sorry. It is okay.

**Unidentified Speaker:** You have to close it.

**MS MCGRADY:** Yes. Thank you. Thank you, very much for the input today and the information.

**Short suspension.**

**THE CHAIR:** Good afternoon. My name is Tanya Keed, and I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all members of the Elected Body, and would like to introduce them: Paula McGrady, Deputy Chair with portfolios with Transport Canberra and City Services, and our representative on the Coalition of Peaks; Maurice Walker, member with Education and Community Service portfolios; Jo Chivers, member of Justice and Community Service portfolio; and Deanne Booth, member of Major Projects portfolio. Member Booth will be leaving early today.

We would like to thank the Canberra Health Services for the relocation of the Aboriginal and Torres Strait Islander waiting area. The new location and facilities have been noted by the community. We would also like to congratulate the Canberra Hospital Aboriginal and Torres Strait Islander Reference Group on their ATC NAIDOC award.

Please could all witnesses that give evidence during the hearings acknowledge the witness statement for the record. I would like to invite the Director-General,

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Dave Peffer, for any opening statements before commencing the questions. Please can you limit your introductory comments to two minutes.

**Mr Peffer:** Thank you, Chair. I was not planning on making an opening comment, and I confirm that I have read and understand the privilege statement.

**THE CHAIR:** Moving right along, priority reform 1: partnership and shared decision making. We have also got questions from community too, so throughout this—Jo, have you got a couple of questions from community you want to ask later on?

**MS CHIVERS:** I can send it to you, but I can, yes.

**THE CHAIR:** Partnership and shared decision making. How are the directorate working with the community to share decision making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community?

**Mr Peffer:** Thank you, Chair. I might start off and I might have some of my team members join me, but the thing that I think is a good showcase for us as an organisation—and you have quite rightly pointed out has taken out more than one award in recent years—is our consumer reference group. This is a reference group that was stood up under my predecessor, Bernadette McDonald, and I think it has served the organisation enormously well.

It is a reference group with members—not professional sort of meeting attenders, but people who actually use our services, and some of them use our services quite frequently. On that reference group we have not just local folks from Canberra, but we also have people from interstate as well, recognising that at any point in time, anywhere between one in four to one in two of our beds is occupied per specialty by New South Wales residents, so we have our Aboriginal and Torres Strait Islander consumers that participate as part of that reference group.

It performs two functions: one is it allows the organisation an opportunity to test its thinking and consult and engage with Aboriginal consumers on the design of health services, infrastructure projects, policies and procedures. The second function it performs is it actually allows our consumers to have a direct voice to not just myself but to our executive leadership team within the organisation to put on the record what is important to our Aboriginal and Torres Strait Islander consumers: what matters to them; differences that they would like to see in the health service; and, from time to time—and I think I certainly benefited from being a part of these conversations—some complaints as well about what has not gone right in the health service and what needs to improve.

**THE CHAIR:** How many new formal partnerships has your directorate established since 2020?

**Mr Peffer:** New formal partnerships?

**THE CHAIR:** Yes.

**Mr Peffer:** I am not aware of any formal partnerships that we have established.

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**THE CHAIR:** Have you ever met with Winnunga?

**Mr Peffer:** Yes.

**THE CHAIR:** How are they resourced? We have not met with them.

**Mr Peffer:** In terms of resourcing for Winnunga, we do not provide, strictly speaking, resources for Winnunga. We have an interface between some of our services and their services, which we can expand on what that looks like, but in terms of actually funding that body, that does not come through the health service. That comes through the ACT Health Directorate.

**THE CHAIR:** Provide three examples of where you have shared decision making with the community in line with the ACT agreement. Hang on. How was this decision making formalised?

**Mr Peffer:** I might ask Josephine to join me to talk in greater detail about this, but we have used the consumer reference group extensively, as well as the elected body, including the previous members, to shape the action plans that we have that sit within the directorate. If you would like to talk about how we have done that.

**Ms Smith:** Hello. Josephine Smith, Executive Branch Manager for Strategy and Governance. I have read and acknowledge the privilege statement. In terms of commitments—sorry, can you just repeat the question?

**THE CHAIR:** Provide three examples of where you have shared decision making with the community in line with the ACT agreement. How was the decision making formalised?

**Ms Smith:** I can use the examples of things that we have worked with the consumer reference group on. I guess the biggest is the statement of commitment. So in place of a reconciliation action plan, the consumer reference group were very clear that they wanted a statement of commitment, which we developed in collaboration with them through a number of workshops. That statement of commitment hangs now in the foyer of the Canberra Hospital.

Our Together Forward: Aboriginal and Torres Strait Islander Needs Assessment and Action Plan is also how we deliver on that statement. We developed a community-facing version of that, because it is quite a thick, bulky document with lots of data in it, so we worked on a community-facing version so it is clear about what the data looks like, what our commitments are, what we have delivered on and what our commitments are moving forward.

What else have we got? There is also the—you mentioned the input into Critical Services Building design, so for example the Aboriginal and Torres Strait Islander family room, and the Wamburrang Room and the Welcome Hall in the Critical Services Building.

**THE CHAIR:** To what level was it funded?

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**Mr Peffer:** That specific project? I think we will need to take that on notice, but it will not be insignificant funding, I think, on that particular project.

**THE CHAIR:** Priority reform 2: building the ACCO sector. Engagement with ACCOs. How many local ACT-based ACCOs have you worked with in the last two years?

**Mr Peffer:** We might need to take that question on notice. How many have we worked with? I will take that on notice and come back to you, Chair.

**MR WALKER:** Chair, you might want to just give him the other things that are part of that question that will all go on notice.

**THE CHAIR:** All below go on notice?

**MR WALKER:** All those follow up, yes, so it is just on the record.

**THE CHAIR:** Yes. Do you want me to say them or just leave them?

**MR WALKER:** Say them on the record.

**THE CHAIR:** Who are they? How have you helped existing ACCOs to grow in size or grow the scope of services? How are you progressing with transitioning services to Aboriginal Community-Controlled Organisations? How do you ensure continuity of care for individual members of the community between ACCOs and CHS care? What new community-controlled organisations have been assisted to be established?

**Mr Peffer:** I am happy to take all of those on notice, Chair. It might be opportune, though—we can talk about the work that we do with Winnunga in terms of the interface. It is quite a large one that sits between our mental health justice health teams and Winnunga.

**THE CHAIR:** Yes. Great, thank you. I just want to make a note that Member Booth will be leaving.

**Ms McKenzie:** I am happy to introduce myself. My name is Kate McKenzie. I am the Executive Director of Mental Health, Justice Health and Alcohol and Drug Services at Canberra Health Service. Was the question about what is our interface with Winnunga?

**Mr Peffer:** Yes.

**Ms McKenzie:** Thank you. I do meet regularly with the CEO of Winnunga, and between myself and the Commissioner for Corrections and the CEO of Winnunga we have put a lot of effort into rebuilding our relationship in the last 12 to not quite 18 months. The outcome of that is that we have reintroduced a three-tier formal governance process at the prison to ensure that we have strong, open and accountable relationships and have good mechanisms to problem solve at the time that they arise.

In part of those three tiers of governance, we have agreed to key performance indicators to report. At the moment we have put a lot of effort into operational reform, so we

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actually have no waiting times for primary health services in the prison, so we do not need to make a distinction at this stage between Aboriginal detainees and non-Aboriginal detainee. We are meeting all needs within the accepted timeframes.

The other outcome that we have done—we have, with Corrections, worked to ensure that our colleagues with Winnunga have more space within the Hume Health Centre, and the other thing that I am sure Dr Elizabeth Moore talked about was that we have worked together collaboratively on a detainee health and wellbeing strategy that really outlines our commitment to better health outcomes for Aboriginal and Torres Strait Islander peoples who are detained at the AMC.

**THE CHAIR:** Is this service in the AMC?

**Ms McKenzie:** We have both mental health and primary health services in the AMC.

**THE CHAIR:** What is the capacity? I was told in the community that there are only 30 per cent.

**Ms McKenzie:** The capacity is determined with Health Directorate, so they do have a capacity. I am not sure of the exact number, and it is our responsibility for justice health primary health services to ensure that we provide culturally responsive care in partnership with Winnunga, but also for detainees who choose to have their care needs met by CHS as well. So I do not know—it would have to be to Health Directorate that we ask about their capacity.

**THE CHAIR:** Those detainees you are talking about that are seeing CHS—is that because Winnunga used up all their capacity to see—because there are only so many clients that they can see, is there not?

**Ms McKenzie:** There is. It is a choice. I think there are a couple of reasons: capacity, choice, referral pathways. There are some health needs that we have to meet for at-risk psychiatric care and also if people are receiving methadone, so there are some health needs that we have to. So a mix of factors, but one of the things that we have committed to do on the request of the CEO of Winnunga is to start transparently reporting on when we make the referral, how long it takes; just to make sure that we are not a bottleneck for Aboriginal and Torres Strait Islander people who would like to transition to Winnunga.

**THE CHAIR:** You only do the mental health inside the AMC, or you do—

**Ms McKenzie:** We do primary health as well, so we have got GPs; nurses; we have drug and alcohol services.

**THE CHAIR:** And that is mainstream?

**Ms McKenzie:** Yes, and for Aboriginal detainees who choose to stay with us.

**THE CHAIR:** Have you got Aboriginal staff that work?

**Ms McKenzie:** We do. We have an Aboriginal liaison officer team within the division

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of mental health, justice health and alcohol and drugs. It is the first time actually forever that we can determine that we are fully recruited. It is only a small team, but we have seven identified positions. Five of those are liaison officer roles, one is a manager, and in the last 12 months we have also introduced an admin support who is an identified position. So one of the clinical liaison roles has the AMC has a dedicated portfolio and attends the AMC as part of the primary health care team that we have there.

**THE CHAIR:** Two questions: how long has the additional space been available, and why did it take so long; and the other one is when AMC clients are being transferred interstate, do you do a mental health assessment as part of the process on impact on relocation?

**Ms McKenzie:** Why did it take so long to get the room? Look, I am not sure. I wish I had the answer for that. I think this is one of the challenges that we had by not having that tiered governance structure in place; is that the issues that were being experienced by the team on the ground in the AMC did not have a clear way of moving up the chain to get them resolved.

When it came to the attention of myself and the Commissioner of Corrections, we were able to allocate a room within a week. We have had to since circle back round and make sure that room was fit for purpose, but I think it just—the time it took to do that was a reflection of the need to have stronger processes. What was the other question, sorry? I know the one you asked about transferring detainees.

**THE CHAIR:** When AMC clients are being transferred interstate, do you do a mental health assessment as part of the process on impact of relocation?

**Ms McKenzie:** We do. We do a full mental health assessment. Corrections will also do a full wellbeing assessment. It does not happen very often, but when it does happen there is a comprehensive process to ensure their mental health and wellbeing are not going to be adversely impacted by that move.

**THE CHAIR:** Did you mention an earlier part that you have got a consumer reference group?

**Ms McKenzie:** Canberra Health Services does.

**Mr Pepper:** We have a broader consumer reference group that covers the whole organisation, not just specific to AMC.

**THE CHAIR:** Who are the members on that?

**Mr Pepper:** Di Collins is our chair, and Hayley—I am happy to provide the names on notice, if that would be helpful.

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

**Mr Pepper:** Chair, I wonder—we also have an interface through our maternity services with Winnunga to support continuity of care. Would it be useful to touch on that?



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**MS MCGRADY:** Very good. Yes, please.

**THE CHAIR:** Yes. That is an interest of ours. Not that we have any more kids.

**MS MCGRADY:** Grandkids.

**THE CHAIR:** Grandkids.

**Ms Pilkington:** Hello. I am Suzanne Pilkington. I am the Acting Executive Director of Women's, Youth and Children and Canberra Health Services.

**THE CHAIR:** Welcome.

**Mr Peffer:** Do you want to talk about the interface with—

**Ms Pilkington:** Of course, yes. I think we have got an established relationship with Winnunga. The midwifery teams support each other, so we have got established professional relationships between the midwives there. We have got an in-reach and an outreach type service, so we have got midwives who go into the clinic and support antenatal care. It is really about offering choice to the women that are there, so giving them the options to identify which model of care would be better for their pregnancy journey. So there is parity with all our women, but it is obviously a bespoke service depending on the needs of that woman and the situation in the judicial system.

For example, we identify high-risk women and we have got a specialist midwife that supports them through their journey. We have also got, as I said, an in-reach system where our midwives go in to support the staff in the clinic, and we offer usual antenatal appointments there. We have provision if they choose to elect for the continuity of carer model, and that would depend on if it were a low-risk pregnancy or not.

We have a strong relationship to help support the women go in-between the clinic at Winnunga but also come into Canberra Health Services. For example, foetal screening is done in our Fetal Medicine Unit there, and obviously linking with all our support services. Anything to do with any alcohol drug or additional requirements—perhaps diabetes. Anything like that would be usual.

Postnatally as well we deliver postnatal care in the clinic. The babies are there all day and there is support for breastfeeding and pumps are provided, so it is very much like a home visiting service but done in the clinic setting.

**THE CHAIR:** At the hospital?

**Ms Pilkington:** Sorry, in Winnunga?

**THE CHAIR:** Both.

**Ms Pilkington:** Postnatal visits in a home—

**THE CHAIR:** Are a lot of our Aboriginal women doing that, or they just—

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**Ms Pilkington:** If they are in Winnunga, that is what the service will provide. Of course, we have that also for our women who are not in the judicial system, and again, linking with—we have got other specialist services like early family visiting—you will have to excuse my terminology. I will have to read my notes. Early family support sustained home visiting system. It is very long; I am sorry. It is a long title, but really what that is is a home visiting nursing service, so that goes into the woman's home to support looking at any parenting concerns and, of course, we have also got our MACH service or maternal and child family health.

**MS MCGRADY:** And this is for women assessed in the justice system?

**Ms Pilkington:** No, no, I am saying those are for women at home. Sorry I jumped that. We have got the support systems for women in Winnunga, and then we also have got additional systems and models of care and services for women outside the judicial system.

**MS MCGRADY:** So who catches the data on those mothers that do present to those programs and the services offered because I have a question around whether that is a service that is being fully utilised by mothers with Aboriginal or Torres Strait Islander babies. So I would be interested to know if the service and Winnunga's capability to support those parents of Aboriginal and Torres Strait Islander babies?

**Ms Pilkington:** Unfortunately, I have limited data at the moment available. I have not been made aware of any women who have not been able to access that service.

**MS MCGRADY:** I have a community member that—

**Ms Pilkington:** But you have had a story?

**MS MCGRADY:** Yes. That has not been able to access that support. So if that is a gap and if it is a gap in one of our organisations, I suppose it is about how do we work together to marry up those stats to make sure that no-one slips under the radar and no-one gets—or an organisation gets put into a situation where they cannot support that program. So we kind of need to be a little bit real about that because who misses out? It is the mothers of these babies that miss out, these babies miss out.

So it is good and all to have all of those programs but we want to make sure that the services can still provide those services that community think are being provided.

**Ms Pilkington:** Yes, and I think to continue strengthening those partnerships we have got between the—because hopefully what I have outlined is strong foundations and we can just—we need to build on those and especially if there are gaps, that is really important to maintain and understand why that gap has happened.

**MS MCGRADY:** It is a very vulnerable, I think. If you imagine yourself as even a single mother to be, Aboriginal or Torres Strait Islander woman, then you would want to make sure that the supports are there because you do look for that support. We naturally instinctively do not know how to raise our kids, right. We have got to learn certain things, so I would want to go to the most extreme and imagine that woman that is having that baby that is isolated that does not have family, her and her partner need

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support.

She needs to know how to understand certain age progressions in a baby, things that change with her as a new mother, the things that happen to her body, all of those things I think are really, really important, and if there is a gap there, then yes, we need to kind of recognise that gap and meet that gap.

**Ms Pilkington:** Definitely. One of the things that all women want and need is an individualised approach to their case, so I completely agree with you, and that is what we endeavour to do, so it is disappointing to hear there was a gap. But we will explore that further.

**MS MCGRADY:** That will be good, thank you.

**Mr Peffer:** If it is possible to get a name as well, if the commissioner feels comfortable in sharing their name, we can sort of hone in a little bit more and just try and find out what has happened and how has that person fallen through.

**MS MCGRADY:** Thank you very much, that will be really helpful because it is about us bringing the voice of community that are finding out well, you know what, this is really not working for me or this has not worked for me, and there could be a simple reason why, but we do not want them to be left behind. If we have a service there that we say that we are going to deliver, so yes, thank you for that.

**THE CHAIR:** We will move on to the Indigenous Procurement Policy. The next question will be about the Indigenous Procurement Policy. What is the number and value of contracts that you have that support the Indigenous Procurement Policy?

**Mr Peffer:** The number is just above \$1 million which falls short of what our target is. It puts us at .42 per cent of the spend in the 2022-23 financial year. In 21-22 we were able to perform much better and that was off the back of a number of construction projects. The team has done an assessment obviously under-performing to that extent. A lot of the supplies and services that we procure in Canberra Health Services are not from NGOs or service providers so much; it is pharmaceuticals, technical and maintenance support for pieces of equipment largely from big multinational providers and other things along those lines.

So we have sharpened up our focus in the infrastructure and facilities management space already in this financial year, recognising we are only six weeks in. We have got 400,000 committed through a number of contracts. So we will continue our focus through this financial year with a view of correcting the under-performance we had from last year.

**THE CHAIR:** What are the requirements with contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander People?

**Mr Peffer:** So we do not really have much in the way of grants or procuring sort of service delivery for patients from other providers. That is largely done through the ACT Health Directorate. We are one of their providers that they commission services from in the CHS space.

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**THE CHAIR:** In relation to mainstream organisations, what are the specific requirements that those organisations must have to guarantee access to services in the community?

**Mr Peffer:** I might have to take that on notice, Chair, to the extent that we have any services contracted for patients that would require something specific, but I think to a large extent we procure in the order of 200 million worth of goods and services but—

**THE CHAIR:** But that question there was for others but I will just run—just in case you want to put them on notice: Aboriginal and Torres Strait Islander staff within the organisation, represented on the board, and how they procure services. Do you want to take them on notice.

**Mr Peffer:** So we can give an example actually where we are looking at—so going to market to obtain an Aboriginal and Torres Strait Islander provider to come in and assist with us reviewing our Aboriginal liaison services within CHS and how we have had our Aboriginal workforce participate as part of that activity. Is that useful?

**THE CHAIR:** Yes.

**Ms Morris:** I am Jo Morris. I am the Executive Director of Allied Health, Canberra Health Services. I have read and acknowledge the privilege statement. So we have just engaged Deloitte Indigenous Consulting to undertake a review of our Aboriginal and Torres Strait Islander liaison service model of care at CHS. We have just started the contract with them this month and we estimate that will finish in February of 2024.

So the review is intended to modernise and build on the review that was undertaken in 2017-18 but the intent of this review is that we put a greater focus on the published literature, the benchmarking with the best practice services around the country, so we are trying to lean on what other jurisdictions do in this space and what we can learn to form a model of care recommendation in partnership with our workforce and in partnership with the ACT and regional New South Wales community.

So we aim to codesign the recommendations and really try and strive for a nationally recognised best practice Aboriginal and Torres Strait Islander model of care. So we would be looking to do work with internal and external stakeholders through individual meetings and through workshops.

One thing I will note is that the outcome of the 2017-18 review did see two extra FTE brought into the Aboriginal liaison team that is based at the Canberra Hospital.

**THE CHAIR:** Thanks Jo. Is it Deloitte?

**Ms Morris:** Deloitte, yes.

**THE CHAIR:** Our next question is how are you engaged with the Aboriginal and Torres Strait Islander business but they are not an Indigenous business, are they?

**Ms Morris:** So that was not through an RFQ process where we went out to many

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Indigenous organisations and they were one of the people that procured—sent in a quote.

**MR WALKER:** I think you have engaged a non-Indigenous organisation because they are not registered as an Aboriginal organisation. So, you might have rethink that.

**Ms Morris:** Thank you. Thanks, Lizzie.

**THE CHAIR:** How many contracts have you entered into with Aboriginal and Torres Strait Islander businesses?

**Mr Peffer:** I will need to take that on notice.

**THE CHAIR:** Yep. I have just got another community. Another—I am just going a bit blank now.

**MR WALKER:** Yes. Does Winnunga—do you fund Winnunga go do drug and alcohol services at AMC?

**Mr Peffer:** No.

**MR WALKER:** Do you intend to?

**Mr Peffer:** No. So in—yeah, in terms of the separation of responsibilities we are a service provider, just like Winnunga and so we are funded by the ACT Health Directorate, who are the crew who were in just before us.

**MR WALKER:** All right. You are just like everyone else.

**Mr Peffer:** Yeah.

**THE CHAIR:** Yeah. do you just want to?

**MR WALKER:** All right, so it would be nice to stop having reviews and start implementing recommendations. So, a very strong message from the community, obviously we have been reviewing this interview, surveyed, so we would like some action. Thank you. That is s statement, obviously, not a question.

**THE CHAIR:** Priority form 3, transforming government organisations, ACT agreement. How is your directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Mr Peffer:** Thank you. So, I might talk about two aspects that we are working on in partnership with our consumer reference group, the first being around training, and then I might talk about a specific service initiative by way of example that we have live at the moment. In looking at the data doing an assessment of where we see a divergence in care provided and people's experience of the health system, one of the things that is clear to us that if we do not pick up very early in someone's health care journey that they are an Aboriginal and Torres Strait Islander consumer, there is a range of supports and other things that we do not wrap around them, and their experience of the health

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system can be quite different.

In going out to our workforce and asking the question why are we not picking up this data, the feedback that we had from our teams was a lot of them actually did not feel comfortable to ask the question. They found themselves in a variety of situations and I guess had different experiences and so were many of the people who sit more or less on our kind of front desk.

So either at triage in the emergency department or on the reception desk as you are going in for a clinic visit, whatever that might look like, their confidence and willingness to actually ask the question was non-existent so we have undertaken a body of work with our consumer reference group to essentially design training to look at how do we ask the question respectfully and how do we handle that conversation.

So at this point we are now training our consumer reference group who will deliver that training face to face to our workforce and empower them to be able to ask that question so at least we are capturing that data and we are able to put in place culturally appropriate supports to people as they enter their health care journey in CHS.

The second, and I guess coming to the point about action as opposed to reviews and documents and that sort of thing, one of the initiatives that we have got running at the moment comes off the back of the past initiative where we looked to strip paediatric Aboriginal and Torres Strait Islander patients from wait lists in our ear, nose and throat specialty, and we pulled them off not in order of waiting to be seen as part of the waiting list, but recognising that there is a very large impact on young folks coming from Aboriginal and Torres Strait Islander background compared to non-Indigenous when they hit school if they are unable to hear and what that means for their years ahead.

So we built on that initiative and at the moment we have got an expanded broader initiative now in flight for patients, Aboriginal and Torres Strait Islander paediatric patients who are waiting on a much broader range of wait lists, waiting to see specialists in CHS that covers—and sorry, bear with me, I will just read out the list of specialties I apologise, members. So ear, nose and throat, dermatology, ophthalmology, respiratory, cardiology, general paediatrics, immunology, paediatric surgery, gynaecology, orthopaedics and plastics.

So we have in the order of 326 patients who were waiting on wait lists to be seen. Of that 326, 43 are requiring speciality intense focus as part of their health care journey, so have not been included as part of this initiative. They are being treated through a separate process, but for the remainder more than 160 have now been removed from that wait list, so they have either been seen in clinic or we have run additional specialty clinics just for Aboriginal and Torres Strait Islander kids, or for a number of them we have actually paid for them to see a private specialist so that they can be seen straight away.

We still have obviously some of these paediatric patients remaining on our wait list, but for us I guess this is a statement of recognising that there is inequality that exists and if we always approach it as the kind of seen in order, you know we are never going to get ahead of it. So for us I guess this is a statement as an organisation of action rather than a kind of review or a policy or a document and so we have our specialist fast tracking



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these kids through the system.

**THE CHAIR:** have we got any numbers on them?

**Mr Peffer:** On?

**THE CHAIR:** On data?

**Mr Peffer:** Yes. Yes, I do. So we had 326 at the outset of the initiative. I can provide a break-down if you would like, by specialty if that would be useful to the committee.

**THE CHAIR:** Yes. Thank you.

**MS MCGRADY:** And that I depending on, but that information is depending on whether that person that enters that hospital says they are Indigenous, so it is probably about working, figuring out how to ask that question that so that people, Aboriginal and Torres Strait Islander people know that that question is for a purpose and it is not just—because I know a lot of people are, a lot of our mob are scared to say, for whatever reason, you know, tick the box, but it is for the benefit of if not them their family, so if that could kind of be explained in some way, I know that would be really helpful for families to make sure that, you know what, if they do have—their children do have issues relating to any of those topics that you have said, then at least they are going to, you know, get the support, excuse me, that, you know, will help not just their health, which is the most important, but it will show in that statistical stuff, excuse me, around Closing the Gap. Sorry, excuse me, despite me burping with the Coke, sorry.

**Mr Peffer:** Yes. Sorry, if I could just add. So we will take that on board and—I mean it would be nice if people sort of felt that this place is on a fast track in terms of some of these wait lists, some which can be long wait lists for patients to see a specialist. I would hope this is a reasonable representation, it is—so to see a specialist you are getting a referral generally from your GP, so hopefully these families have a good relationship with their GP that that declaration is made and we have got that data, but I accept it is not going to be perfect, or certainly will—

**MS MCGRADY:** Or the GP is—sorry for cutting in—or the GP is aware of, you know, passing on that information to do that is really important as well. I do not know how we got onto that—or progress that.

**THE CHAIR:** Thank you. How do you work with other directorates to implement the ACT Agreement?

**Mr Peffer:** So I think there is a range of initiatives that we work with, particularly directorates in the human services sector. So Education and the Community Service Directorate for example in particular. We have what is called the human services cluster, it is a subcommittee of strategic board where the heads of agencies come together and we look at initiatives that are to be jointly delivered.

An example of that at the moment is one of the priority actions around a three year old health check which in many respects is similar to what we do at the moment for kindergarten children. They have got a model that works quite well within CHS, we



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have a good capture of both non-Indigenous as well as Aboriginal and Torres Strait Islander children as a part of that process. So we are working with our partners in Education and CSD throughout sort of governance structures for how that will come together.

**THE CHAIR:** Thank you. Before I move on to the systemic racism, we got two questions from community. How does Canberra Health Services provide spiritual care for Aboriginal and Torres Strait Islander people considering this is not a function of the ALO services? Is this a priority area moving forward; if so how? What services or programs currently exist relating to life limiting illnesses and palliative care which is target for Aboriginal and Torres Strait Islander people? Is the priority area moving forward; if so, how? Do you want me to break that down? Or Jo, you have got a—

**Mr Peffer:** Why do we not go with the first one I think, around spiritual care.

**Ms Morris:** Yeah, so. thank you. Jo Morris again, Executive Director of Allied Health. We are currently doing some work around our spiritual support services. As we recognise that I think we have got some room for improvement in how we deliver spiritual support services at the moment. We recognise that there is a need for likely professional workforce to help support spiritual support services. So we are going through a process where we are looking at what that would involve and how we might better do that going forward, it is just over the next probably three to six months we will be looking to improve in that space.

**Mr Peffer:** Might I say, add, so then in terms of the second question, something related to a commitment that we made was to undertaken an Aboriginal and Torres Strait Islander impact statement and declaration as part of our policies and procedures that are generated within the organisation. This is a recent initiative and it means that whenever we design a service, a procedure and so forth, it goes through a committee that oversights having this impact declaration made.

It identifies any policies and procedures that particularly need to be considered, the needs of our Aboriginal and Torres Strait Islander consumers. One that has been through recently is providing care after death. It is a procedure. And having been through the committee, it supports our team members to ensure appropriate processes are followed, documentation is correct and also support for the deceased's family after the event, and as it is a procedure about the management of a person after death it was identified that cultural considerations are actually critically important to recognise in the procedure.

It went through consumer engagement as well as with our Aboriginal liaison officer teams and they provided extensive feedback on what that actually looks like. As a result of that, the procedure changed and now states that our treating team or palliative care team, where they are working with people who are at end of life, discuss any spiritual or cultural considerations for the person that they would wish for after their death. They had that discussion both with them and with their family where appropriate. The discussion of any related actions or requests are all documented now in the clinical record and also communicated to the treating team as part of the are procedure.

If the person's death is to be referred to the coroner for investigation, our teams also

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communicate the wishes of the deceased or their family to ACT Policing's coroner's team as part of that new procedure.

**THE CHAIR:** Thanks Dave, thanks Jo. Systemic racism. The CHS has completed a business outcome regarding the data on the care of Aboriginal and Torres Strait Islander people received in the hospital. This review showed that Aboriginal and Torres Strait Islander people are discharging against medical advice from emergency and maternity departments. What actions are and outcomes have been achieved since this review?

**Mr Peffer:** We did. So, this is a sensitive piece of analysis that we undertook to really understand what was happening in the emergency department and what was driving this divergence between the experience of our Aboriginal consumers and non-Indigenous individuals. In observing the data and what has changed over time, the ACT has made some incremental improvements over a number of years, but at this point in time we have not been able to identify specifically what is generating that improvement for us.

As a result of that we kicked off a month of yarning exercise with our consumers to try and understand directly from them about their experience in the emergency department, why they may have felt the need to leave the department without receiving that medical treatment, but at this point in time, Chair, it is not a project that we have closed or that I could say with any confidence this is the concrete action that has now led to an improvement.

**THE CHAIR:** What have you done to review your legislation policies and processes to identify and remove systemic racism?

**Mr Peffer:** We—in terms of the functional responsibilities between the health service and the Health Directorate and I apologise for sort of frustrating the committee, and I do not mean to do that at all, but ownership of the legislation does not actually sit with us as a service provider, we are governed by it, but we do not have responsibility for the legislation if that makes sense. So, the Health Directorate is the policy arm and makes changes to legislation recommendations to government and cabinet about.

**THE CHAIR:** Yep. Any questions before we move on? Workforce. We understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as a part of improving services to the community. There continues to be concerns raised across the community that some staff are not recognised, accepted or connected to our community. How do you ensure these people meet the definition of being an Aboriginal and Torres Strait Islander person and how do you make sure they have the lived experience connection with the community that is critical to their ability to engage with and delivery—comes with the Aboriginal and Torres Strait Islander community?

**Ms Coulton:** So I will introduce myself, so Janette Coulton, I am the Executive Branch Manager in People and Culture, currently acting in the Executive General Manager position and I have read and acknowledge the privilege statement. So is the question in relation to how staff are identifying?

**THE CHAIR:** Yes.

**Ms Coulton:** Okay. So upon application within any of our recruitment processes there

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is the option there to identify and certainly through other activities during a work life with Canberra Health Services such as staff surveys, there is an opportunity to identify training programs and responses back on how people may have found the training. again there is an opportunity to identify, and that allows us to do reporting on what the experiences are of different groups within our Canberra Health Services staff.

**Mr Peffer:** Chair, I think if you are asking explicitly what do we do to verify it, I am not aware that we do.

**Ms Coulton:** Sorry, to verify, no, there is no action to verify. It is—

**THE CHAIR:** So you have got no way of tracking the process or anything?

**Ms Coulton:** It is—no, self-declaration that we do not verify.

**THE CHAIR:** Okay. We will just go onto cultural competency. How does the ACT government train and ensure the cultural competency of ACT government employees?

**Ms Coulton:** So, we have had a number of initiatives. Certainly every employee has to undertake mandatory training upon commencement. So, I started in February and that was my first week in the job was undertaking the mandatory training online. In addition to that cultural awareness training, we also in September of 2022, our Canberra Health Services executive and members of the consumer reference group undertook the Indigenous Allied Health Australia Cultural Responsiveness training. That consisted of two online modules taking five to six hours to complete in addition to a whole day workshop. Prior to that training activity the same cohort of people also attended two-hour workshop on Aboriginal and Torres Strait Islander plans and Closing the Gap. So the executive went through that very detailed process along with the consumer group and then all staff are doing the online training as well upon commencement.

**THE CHAIR:** Do you evaluate the performance of those positions based on understanding and achievement of outcomes for the Aboriginal and Torres Strait Islander community?

**Ms Coulton:** So are you asking if they have set specific targets with performance—

**THE CHAIR:** There are other questions in between but you are already at—I might just ask them anyway, just so. How many of your mainstream positions require cultural competency?

**Mr Peffer:** So it is mandatory training for every employee in CHS. I think we have—I mean, yes, so it is mandatory training for all. In terms of how we measure then the effectiveness I think for us it is a global—it is global indicators in terms of Aboriginal and Torres Strait Islander health experiences as part of our care versus non-Indigenous, and where we would like those indicators to be, so it is not just a specific team that provides these services to community members, it is all teams right across the organisation.

**THE CHAIR:** Awareness training is not competency.

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**Ms Coulton:** No. We consider the induction training when you first start to be foundational learning, so it is more about awareness learning rather than competency learning. What all staff also have access to is the whole of government learning opportunities. So that includes the Aboriginal and Torres Strait Islander awareness e-learning program and full day through the ACT public sector, awareness workshops. So they are also available to staff.

**THE CHAIR:** So how do you measure competency if it is all awareness?

**Ms Coulton:** Well, it will be more about rather than through the training it would actually be more through operation of role and identification if there is an issue with somebody's skill or competence if they are working in an area that has direct relationship or consumer responsibility. Competency is certainly something that we test at interview stage as well and obviously through reference, professional references as well, and demonstrated prior understanding and prior outcomes.

**THE CHAIR:** Priority re form 4, how are you progressing the principles of Indigenous data sovereignty?

**Mr Peffer:** so we have a data dashboard that had been built in previous years that provided a rather comprehensive suite of indicators that we use in discussions with our consumer reference group to target attention for particular services or areas that we need to improve our performance. Aboriginal and Torres Strait Islander health is also a major focus of the national safety commission, so as a health care provider we are accredited under a national regulatory regime and that is the focus which has a range of indicators that are observed by surveyors.

In more recent times we have introduced a new digital health record and where we are in the process of building equivalent reporting capability out of that new system to what we had previously.

**THE CHAIR:** Thank you. what has your directorate done to appropriately identify Aboriginal and Torres Strait Islander people receiving services in your directorate?

**Mr Peffer:** So this is the one—this, Chair is I think where we know we have got a gap. We know we have people coming in receiving health care services that we have not identified on the way through and that is for a range of reasons. People might not feel comfortable to self-declare, but equally we have got a team that at the moment is not trained and confident in having that conversation, that initial conversation with people. So that is why we are—we have developed this training with our consumer reference group, that they will roll out face to face to our team members, particularly those that will be in the high volume.

There are a lot of our team members that do not have daily interactions with patients or they see them after they have been seen by a number of people and we feel it would be high value, high impact if we get all of the kind of front desk functions across the health service and train those people so that we capture patients as they come into the service.

**THE CHAIR:** How is this in line with Indigenous data sovereignty?

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**Mr Peffer:** So our—I do not think the training does specifically but the work that we are doing to rebuild our reporting capability, I mean we—that was reporting that was done as part of our Together, Forward process, which was partially with the elected body but also with our consumer reference group, it was something that was jointly owned where we sat down and had a collaborative discussions about where do we want to focus effort.

That data was published and through our consumer reference group we had a request to I think update that particular publication, it was written more for bureaucrats than it was for people who consume health services and do not work in the health system. So we went through a process of redesigning that, putting it in a format that people can easily digest, and understand what is going on, and that is the data that we hold in terms of performance. Yes.

**THE CHAIR:** Racism. Any questions on—from members before we move on? No. Racism, how does the directorate encourage and support Aboriginal and Torres Strait Islander patients to identify and what processes do health workers undertake to support those patients who identify as Aboriginal and Torres Strait Islander clients? How are you addressing the elder discharge from emergency maternity of Aboriginal and Torres Strait Islander people? I think we asked this—this is what we spoke about before, hey?

**Mr Peffer:** Yes, but Chair, we can talk about our Aboriginal liaison service and what that team has been working on.

**THE CHAIR:** Yeah.

**Mr Peffer:** That may meet, that is of benefit.

**Ms Morris:** Thank you. So as mentioned before, we have a dedicated Aboriginal liaison service at the Canberra Hospital. This is after 5.28, a very precise FTE, and we will be getting an uplift this year of an extra FTE. The purpose of the ALS service is to improve communication and collaboration between the clinical staff, the patients and their families. It is also to help provide that emotional, social and cultural support. As well as supporting patients and families to engage with external services to Canberra Health Services. That is both locally and interstate.

One of the initiatives that the team have introduced recently is a quality improvement project looking at Aboriginal women who present to the emergency department due to family and domestic violence or sexual assault, and what they are trying to do is make sure that we get some culturally safe input for those women very early on in their stay in the emergency department. So we will be looking to collect some data in relation to that program and evaluate that going forward.

We have had a number of other initiatives that the team have looked to introduce. I will just flick to those pages. So we introduced the First Nations menu which is a collaboration between our food services, our ALO team and nutrition services, and our consumer reference group. This was based on feedback from the community that told us that our food was nice but it did not meet their cultural needs.

So based on some consultation with the consumer reference group, the menu has been

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changed, so we now have a First Nations menu that is made up of kangaroo stew, barramundi with sweet chilli sauce, we have got some savoury mince and some curried sausages as well. After the introduction of that menu we surveyed some of our Aboriginal and Torres Strait Islander patients and 100 per cent of them reported that it contributed to meeting their cultural needs during their stay in hospital.

The other initiative that we have introduced in February of last year, we managed to get a grant through the Canberra Hospital Foundation and through the Cancer Council to look at a pathway to wellbeing for Aboriginal and Torres Strait Islander people with cancer. So what this project has looked to do is it has got a number of different outcomes and what we have achieved so far is Aboriginal dreaming quilts that have been made with community, and therefore Aboriginal and Torres Strait Islander people who are nearing their end of life, so whether that is paediatric or adult, we have got a combination of quilts available to our patients.

We have also run some early intervention culturally safe workshops around cancer screening. So this is particularly to have conversations with community around breast, lung, bowel, cervical and prostate cancer. So we have run three of those workshops last year, and we have got another three that we are running this year. One of those is in collaboration with Winnunga and we have also got one that we are running in collaboration with Katungul because we are trying to reach our New South Wales community as well.

And part of that as well is to try and increase connection with our ALO team early in people's cancer journey, so that they feel that cultural connection with the team early on. And the final bit that we are doing in that space is we have been working with Peter Mac to look at yarning circles for Aboriginal and Torres Strait Islander people who are experiencing cancer at the moment. So we have got some work under development around some yarning circles for those patients that should hopefully start in the later part of this years.

**THE CHAIR:** All those initiatives and projects and workshops, do you think that is reducing the rates of early discharge over the last three years? Have they reduced?

**Ms Morris:** Look, I think as Dave touched on, we have seen a reduction, and I guess we like to think that there is probably a number of different things that have contributed to that reduction, and hopefully a number of the different bits of work that we have done have supported that.

**THE CHAIR:** Has the directorate an established data collection system to capture the number of Aboriginal and Torres Strait Islander people who need access to health services but are turned away? Is there a data collection on that?

**Mr Pepper:** I am not sure that we would turn anyone away, Chair. I would have to double-check that, but I think we certainly have data on those Aboriginal and Torres Strait Islander folks who access health services that we provide. We have got data on those who are on our wait lists at the moment, some of which I shared before, with our paediatric initiatives. So I think, but I am not sure that we necessarily turn people away. I mean, we are kind of the provider of last resort, here in the territory.



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**THE CHAIR:** That is a good thing. Are we able to request a copy of the more detailed Together Forward Strategy? We only have the public version. Can we get a copy of that?

**Mr Peffer:** Yes, of course.

**THE CHAIR:** All right. Thank you. Before we move on, any questions from Members on that?

**MR WALKER:** Not a lot on that.

**THE CHAIR:** Delivering Healthcare Together, we understand, released in 21, is subtitled “Better health and access to healthcare for Aboriginal and Torres Strait Islander peoples in the Canberra region.” We would like to hear what specific data and baselines have been used, an update on each of the objectives and the specific outlines achieved. How does CHS look at ways of getting more information about Aboriginal and Torres Strait Islander people’s experience of care and health outcomes, so we know what we need to work on?

**Mr Peffer:** I might ask Jo Smith to come up and just talk about some of the indicators that we used to put together Together Forward.

**Ms Smith:** Josephine Smith, Executive Branch Manager, Strategy and Governance. Hello again. So with Together Forward, when we put that together, it was built on the National Safety and Quality Health Service Standards, so the specific actions within that. It was also based on the first iteration of the Close the Gap National Partnership Agreement. There has since been another iteration.

It was also any available data that we could get from the Report On Government Services, so national reports as well as state level reports and then data that we had, CHS internally, and bringing that together to tell a story about what were the areas that we were doing well, and where were the gaps that we need to work on, and then that is what fed into the kind of big, thick document that I will get to you, and then the sort of community-facing glossy version that we have worked on with the consumer reference group.

One of the key things that we really thought was important is not to over-consult with community, so we also drew in the ACT Aboriginal and Torres Strait Islander Agreement consultations and anything that was said about health, and that is what actually drove some of the—so a good example of an area of need that was identified through all of that was the ear, nose and throat work for children. So, it was clear from the waiting lists, it was clear from what community were telling us that we had an area of need that we needed to address and that is the action that we undertook.

I think I might have missed one of your elements of your question.

**THE CHAIR:** No.

**Ms Zagari:** May we add to that, Chair, if that is all right? Janet Zagari, Deputy CEO for CHS, and I have read and acknowledge the privilege statement. In terms of how we



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seek feedback from our Aboriginal and Torres Strait Islander consumers, we capture that information about Aboriginality or Torres Strait Islander in our compliments and complaints, and we specifically do an analysis around Aboriginal and Torres Strait Islander compliments and complaints to understand what the particular themes are in that so we identify how we can do better.

And not only do we rely on compliments or complaints that come to us either through our consumer feedback team or from ward areas, we actually randomly survey discharged inpatients weekly and look to capture a proportion of those patients of both Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander background.

Following on from that, one of the things that the team ran—I would say we, but I was not here at the time so I can claim no credit for it. The Indigenous Non-Indigenous Researchers through University of Canberra facilitated some yarning circles to really hear from our community about their experience in accessing healthcare from us, and we have 51 Aboriginal and Torres Strait Islander people who participated in those yarning circles.

Now, there was a bit post-COVID delay in the analysis of that research and theming, but that largely took place last year and Jo will nod at me, around the consultation which should recently have been completed.

**Mr Peffer:** I believe it is due to be published later on this calendar year, so in the next few months.

**THE CHAIR:** Thank you. How has CHS improved information available to community about what services will be provided and how can we help get people the care they need?

**Mr Peffer:** So, we might talk about some work that we recently did on our website. There is some feedback that we frequently receive is that healthcare and the health system is not particularly user-friendly. It is a very complex environment, it has got lots of moving parts to it, and I think we do not always shower ourselves in glory in the information that we provide to the public of how to access those services and how it comes together and what your experience will be like and what you need to take with you if you are going to hospital and just all those simple things.

In recent months, we worked with over a thousand consumers, including specifically our consumer reference group to re-shape information that is available on our website. It does include dedicated areas for Aboriginal and Torres Strait Islander consumers to go and see how they access for services, for example our liaison services, and what their stay in hospital might entail.

We have had some feedback on the website, which has been quite positive. It is much better than what it was. I think we accept that it will never be perfect, but in terms of accessibility, in terms of people not requiring a level of health literacy that very few people actually possess, it is a much better product that was done in partnership with consumers and community that should assist, I guess, patients in being able to navigate what services we have got available in CHS.

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**THE CHAIR:** How have CHS enabled Aboriginal and Torres Strait Islander people getting an outpatient appointment sooner?

**Mr Pepper:** Thank you, Chair. Our focus largely has been in the paediatric space at this point in time. We do not have a parallel initiative running for adults, however at some point in the future that might be our next focus. But for the time being, we have pushed very hard. As I mentioned, initially we started with an initiative just around ear, nose and throat.

We have now expanded that out to the full range of paediatric specialties, recognising that impact that that can have, and also we have been partnering with GPs in community for some of these specialist clinics, particularly for some young folks with some challenging circumstances and a range of conditions that they might have needed to see specialists, rather than having them present to multiple specialists on different occasions.

We did actually run a couple of weekend clinics where we brought cohorts of specialists into a clinic so that some of these young folks could go to a single clinic and be seen by multiple specialists as part of their visit.

**MS MCGRADY:** So do they necessarily need to be at a clinic because of the clinic equipment? I am just thinking, you know, we have a community purpose-built building at Womanatha(?) [15.59.40] so I was just kind of thinking, are clinics able to be expanded into a community organisation?

I just remember being younger and clinics going out to community, and I just thought of that idea, so that is something that maybe you can progress in conversation with—if that is even a possibility—to engage more families on what services are there and via that kind of culturally familiar place for our community to bring their families or their children.

**Ms Zagari:** It does depend on the nature of the clinics. So some clinics absolutely might be suitable for that sort of arrangement, and that is consistent with the principle of providing care closer to home, which is what we will endeavour to do increasingly over coming years. So we can certainly explore it.

There are some clinics, obviously, as you have said, depending on equipment or particularly where the child might need to see multiple different specialties because of the complexity of their condition, and that becomes more difficult. But there may well be some clinics where that is a possibility, so we can pick that up and look at it.

**MS MCGRADY:** Thank you.

**THE CHAIR:** What actions have CHS made so that community members feel welcome on committees and working groups so Aboriginal and Torres Strait Islander peoples have a voice at CHS?

**Mr Pepper:** So we have Aboriginal and Torres Strait Islander community members participating in a range of committees. Not just our consumer reference group, but other

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consumer groups that we have as well as our Aboriginal and Torres Strait Islander steering committee, which really drives the execution of the action plan that we have got within the directorate.

We have a process of onboarding consumers. So when people join a reference group, we do not expect that they will hit the ground running and know everything they need to do and what they need to know and how things work. So we have a procedure that we use to essentially provide some background context and training to set people up for success when they join our committees as part of our organisation.

**THE CHAIR:** How does CHS train staff to be better at talking with and caring for Aboriginal or Torres Strait Islander peoples by learning about experience and culture?

**Mr Peffer:** So we have—I mean, we have spoken about mandatory learning, but we then do also offer further training for individuals on—I do not have that information in front of me, but I would be happy to take that on notice and we can come back with some details about more detailed training rather than just the awareness.

**THE CHAIR:** Thanks Dave. How has CHS made our spaces more welcoming to Aboriginal and Torres Strait Islander people?

**Mr Peffer:** So the consumer reference group has really been a driving force in this, I think, within our organisation, in terms of artwork, and I guess we start with artwork, but we know it does not end there. For us, their participation in designing the new welcome hall for the critical services building I think has probably been one of our greatest successes, and others have spoken about this, and it was part of the reason, I think, why the group has won an award.

But if I could, Chair, just expanding on this. So building two, which will be, essentially, the welcome hall, and I talk about it as being the heart of our hospital campus. It is a big campus. It is an intimidating campus, if you do not work there. Or even if you work there, I, from time to time, get lost. There is all sorts of tunnels and stuff running underneath buildings, and things that you would never see.

And that can be a pretty overwhelming experience, particularly we are very aware that a lot of people who access our services do not come from Canberra. So they are not even familiar with the area that they are driving into, and then invariably they cannot find a car park, and they are late for things, and that is your introduction to the health service.

So the CRG were really clear with us about expectations in terms of the welcome hall and that welcome space for Aboriginal and Torres Strait Islander people. Hailey, who sits on the committee I think, actually made a comment about how pleasing it was, when she accepted the award at the NAIDOC awards, how pleasing it was to be able to give that direction and see government respond and invest some money and spend it on design and deliver what the reference group wanted.

But in addition to that, Major Projects Canberra, so this is the delivery arm of government that is actually building it. So they delivered a presentation on their project consumer-led design approach, which included our consumer reference group and the

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input that they have provided, to the Australia Health Infrastructure Alliance, and these guys are responsible for putting together the standards and expectations for health facilities that cover the country and region, and their strategy team has indicated that they will actually look to potentially incorporate what we are doing in Canberra Hospital campus in their facility guidelines for other architects and design teams looking at designing hospitals in the future for what a welcoming space could look like for Aboriginal and Torres Strait Islander people.

So I think we are quite proud of our consumer reference group and what they have been able to achieve there.

**THE CHAIR:** I went on a tour to the hospital with Major Projects and it was just awesome to see what they were doing there.

**MS MCGRADY:** Like, even what you mentioned. Even something simple as when mothers come to the hospital with their babies, their kids and that, and even a simple thing like what you mentioned about the vending machines is really important.

**THE CHAIR:** They took that on notice. The vending machine was good. How has CHS reduced harm to Aboriginal and Torres Strait Islander peoples from alcohol and drugs, and improved mental health support?

**Ms McKenzie:** It is Katie McKenzie again, and I realised when I sat down I had not acknowledge the privilege statement. So I acknowledge that I read and acknowledge the privilege statement. It was about alcohol and drugs and mental health care, is that what you were wanting—

**THE CHAIR:** Yes.

**Ms McKenzie:** So a key way that we do that is with our Aboriginal liaison office team, which I said when I talked to you a moment ago. A very key part of our service, both in providing direct care but as importantly as that is assuring our—because we are a big service, we have many teams ensuring that our many teams feel that they have the skills, able to provide care to Aboriginal consumers as well.

So they have a dual facet to their role. I am actually going to give their exact words, because I think it is important that I use their exact words. “The Aboriginal liaison officers participate in multi-disciplinary team meetings to provide awareness and cultural input into care planning to ensure the person’s treatment goals are being met within a cultural framework.”

So I think that is a very critical part of their input to our system. Couple of things that have happened in the last year, I heard you ask you a question to Dr Moore about PACER.

**THE CHAIR:** Yes. Maurice had asked about PACER.

**Ms McKenzie:** We did an evaluation of PACER. It was a tri-agency evaluation with AFP and the Ambulance Service. So of the PACER contacts from 2019 until now, 7 per cent of PACER contacts are people who identify as Aboriginal or Torres Strait

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Islander.

Because it was a small number, they were unable to make a specific recommendation but did make a comment that there was need to build in some cultural responsiveness to the PACER model, and we are doing that through multi-disciplinary team meetings and also through our HEART team, and we have a dedicated Aboriginal liaison officer who work with our HEART team, which is our rapid response team that supports PACER as well.

**THE CHAIR:** Thank you. Now, how does CHS provide healthcare with cultural support for Aboriginal and Torres Strait Islander peoples in detention?

**Ms McKenzie:** So I think when I sat down, I think we covered a lot with AMC. One thing that I was going to pick up on, listening to some of your other questions. In the initiating first phase of development of our Detainee Health and Wellbeing Strategy, we did actually use an Aboriginal consulting firm.

**THE CHAIR:** In Canberra? From Canberra?

**Ms McKenzie:** Queensland. Queensland Firm. They helped us with the first pass at consultations, met with detainees to ensure that we were having that strong voice come through any strategic work that we were doing.

**MR WALKER:** I have just got a couple of questions around the mental health. Giving that you guys obviously know about the death in custody just recently, there were some questions that we wanted to put to you, not only yourself because of the mental health capacity that you guys are involved in. There is a number of questions for both you and JACS come from the community around the treatment of the young fellow before he passed.

I will put the questions to you. Do you know why, we will just say TJ, was not given appropriate mental health care whilst under the Director-General Glenn? Do you know on how many occasions he was assessed and treated by psychiatric while detailed? Why was he not committed to the forensic mental health facility at either Dulwa, security mental health facility in Symonston, and how many visits from a psychiatric or a mental health clinician did he receive while detained in New South Wales?

It may be just that you might not know that but given that some of the stuff you have been doing with, obviously, detainees in AMC. He has been a resident of AMC for a while.

**Ms McKenzie:** So, I will say, and then I might hand to Janet, if that is okay. I will start by saying that we express our absolute sorrow to the community for the loss of this proud man. He was very well-known to us, and our team are mourning with the community. We do not feel that we are able to comment on the individuals of his care at the moment, because his death is under investigation by New South Wales Prisons. So I do not know if Janet, if you would like to add anything more to that?

**Ms Zagari:** No. Only to add my condolences, and to reiterate what Katie said. While it is being investigated by the New South Wales authorities, we are not able to make

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comment on the circumstances, but we would like to express those most sincere condolences.

**MR WALKER:** Thank you guys. Okay. I guess, do you have any mental health services at Bimberi?

**Ms McKenzie:** We do actually. We have, so Bimberi is covered with our justice health team, which provides both primary health care and forensic mental health care. So we have an expert child and adolescent forensic psychiatrist who comes down on a very regularly basis from Sydney. We feel really lucky to have that doctor work with us, and he has a very strong relationship with the young people in Bimberi. Yes, I think we feel very privileged to have his input to that team and the young people who are there.

**MS MCGRADY:** Dr Kasinathan?

**Ms McKenzie:** It is not him. Dr Lee, his name is. So very lucky, in Canberra, to have his expert—child and adolescent forensics, very few people in Australia who would have that. And he goes between Bimberi and the AMC.

**MS MCGRADY:** Right. Thank you.

**THE CHAIR:** How does CHS work with Aboriginal and Torres Strait Islander mothers to improve care while they are pregnant and increase the number of babies born with a healthy birth weight?

**Ms McKenzie:** I think I am going to hand over to my colleague, Sue.

**Ms Pilkington:** Hello again. I also, like Katie, apologise. I did not acknowledge, I have read and understood the privilege statement. I am sorry.

**THE CHAIR:** Thanks.

**Ms Pilkington:** Thank you very much. Can you repeat the question?

**THE CHAIR:** How does CHS work with Aboriginal and Torres Strait Islander mothers to improve care while they are pregnant and increase the number of babies born with a healthy birth weight?

**Ms Pilkington:** Okay. Thank you. So as I was explaining earlier, we really focus on that individualised care model. So really it is supporting the women to identify the model she would like to choose. As you remember earlier, I was talking about the different options that were available.

Some of those will depend of the level of risk. So we can support women of low risk to birth at home, and we have our continuative carer model, we have shared care, and of course it is those relationships I was talking about earlier, working with Winnunga. So the Winnunga midwife comes in and helps provide that continuity in the Canberra Health Service site, which is really lovely, and there was—remember, I do acknowledge that we can strengthen those partnerships and we want to do more shared education and more shared learning. So that is part of our next phase, I think, for us.



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One of the things, remember I was talking about earlier, was the access through post-natal journey. These are things that exist already, it is really about prioritising our Aboriginal and Torres Strait Islander women and ensuring that they have got the wrap-around care, going back to that individualised model. Because women will do different things—

**MS MCGRADY:** Absolutely.

**THE CHAIR:** Different, yes.

**Ms Pilkington:** So we have our immediate post-natal stage, which is our mid-call service. That is our midwife only service, and our women move through into the maternal and child healthcare support scheme. But we also have, as I was mentioning earlier, the early family support services. So they are a bespoke service supporting the parents, the women and then the family unit, whatever that looks like to that individual woman.

Again, this is in very close partnership with Winnunga, though. And we talked about early birth weight. I do have limited information. I have got data from a few years ago, again, as part of our Together Forward report, working with Aboriginal and Torres Strait Islander mothers to improve care while they are pregnant obviously is a focus, and increase the number of babies, as you said, with a healthy birth weight.

So the data I have got from 2021 is that the percentage of babies born to Aboriginal and Torres Strait Islander mothers who were born at a healthy weight was higher than the national average. It was 13.5 per cent for Aboriginal and Torres Strait Islander women, compared to the national average of 10.7. I do acknowledge that is two years old, that data, but that is a good—

**THE CHAIR:** How did numbers change when data started to include babies with Aboriginal fathers? Did the numbers change?

**Ms Pilkington:** I am sorry. I do not have that information.

**MS MCGRADY:** So it is not just an Aboriginal and Torres Strait Islander mother, it is the baby. The Aboriginal and Torres Strait Islander baby, whether it is the father—

**Ms Pilkington:** Yes.

**MS MCGRADY:** Yes. So it is capturing the babies, the Aboriginal and Torres Strait Islander babies regardless of whether—

**THE CHAIR:** Mother, or father. Parents of.

**Ms Pilkington:** Yes. So this would be about the babies, from what I can understand.

**MS MCGRADY:** Good. Okay.

**Mr Pepper:** The measure changed a few years ago to include fathers as well. It never



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used to. We might have to take that on notice to see what has changed in recent years.

**Ms Pilkington:** And the way we report. Thank you for that. I think also in the post-natal journey, one of the things I was saying earlier was about that ongoing support with the justice system, and it is really about flexing our services to meet the needs of the women.

**MS MCGRADY:** That is good. Thank you.

**MR WALKER:** How often do you collect this data, and why have you not got up to date data?

**Ms McKenzie:** I am going to defer to Dave, actually, on that.

**Mr Peffer:** Yes. So, for quite a number of these indicators we feed into national data sets. In the last 12 months we have gone live with the Digital Health Record, which is a single business system which replaced dozens of business systems. It is safe to say with our dozens of business systems, it had taken the teams many years to build the reporting functionality that allowed us to essentially point-and-click and pool indicators and performance data.

At this point in time we do not have that ability. Our colleagues who were on before us, the Health Directorate, are working with us to rebuild that into the system so that we will be able to pool that data.

**MR WALKER:** Given that health is a very high part of the National—what do you call it? I have lost my words. Close the Gap targets. Do we have anybody that collects that data in the ACT? Because we have kind of been hearing on the elected body that the statistics around ACT, because we are small jurisdiction, sometimes we do not have that data, sometimes it is too small, but to us living here there is only nine and a half Aboriginal and Torres Strait Islander people at the last census. We are growing and growing 3 per cent every time the census comes around. Soon enough we are going to big enough to collect data, so do you have someone who is already collecting that data, or designated to do that on a yearly basis? The reports are asked for frequently, and we have not had this data since '21. What has been happening in the last three years? Where has the data been going, or who too and then not been collated?

**Mr Peffer:** I mean, ultimately we have to take responsibility for that data not being available. It is the case the data is being collected. There is a lot of data going into the business system that we now use, but our ability to extract that data and be able to report on it is key.

**MR WALKER:** Because we want ACT to be represented.

**Mr Peffer:** Look, so do we as well.

**MR WALKER:** Especially when it comes to births of our population. We want to know that we have some of the most healthy babies in, you know, that have been born around the place. I think, maybe, hopefully next year when we have this questioning you will be sparkling.

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**THE CHAIR:** How do CHS improve access to care and treatment for Aboriginal and Torres Strait people with ear, nose and throat problems? What is the data and evidence against if surgery is needed? We will work on making that app quicker than in 2020.

**Ms Zagari:** In addition to the information that Dave has spoken about outpatient clinics. Similarly, there was an initiative run through the territory wide surgical services program to prioritise access to ear, nose and throat surgery for Aboriginal and Torres Strait Islander children. There were theatre or surgical lists run which were only for Aboriginal or Torres Strait Islander children in order to assist them receiving care in a timely manner to start to prevent some of the issues if they are left for a long time. We will have data for you at next year. It is part of the data challenges that Dave is talking about. We have data available operationally, but it is not ready for external reporting at this point in time, but that would demonstrate the impact of those sorts of initiatives.

**MR WALKER:** Just to make you feel even a bit worse, maybe, is the data for the general population behind as well?

**Ms Zagari:** It is. It is in terms of Aboriginal and Torres Strait Islander specific problem. The initiation of the digital record. If there is a piece of work being done to actually verify the data, so to make sure that what we are capturing is correct with the new system and that it is mapping to the right place. Absolutely it is—

**MR WALKER:** We are not getting left behind then?

**Ms Zagari:** No. In fact we prioritise the Aboriginal and Torres Strait Islander dashboard ahead of a number of other dashboards, and it is currently now the testing phase again.

**THE CHAIR:** How do CHS improve care and cultural support to Aboriginal and Torres Strait Islander people with cancer?

**Ms Zagari:** Let me turn to the right page so I tell you the right thing. This one is in Jo Morris's group, and it is about that cofounded piece again between the Canberra Hospital Foundation and the Cancer Council. Do you want to talk to this, Jo?

**Ms Morris:** Yes, happy to talk further about this. This is funded with the Canberra Hospital Foundation and the Cancer Council. Since February 2022, we have had a part-time project officer which is an identified position, that is leading the Pathways to Wellbeing Work for Aboriginal and Torres Strait Islander people with cancer. We actually have our steering committee meeting this morning, and there is some great progress been made in this space.

The Steering Committee is comprised of a number of representatives from New South Wales and the ACT, so we recognise that we capture people from regional New South Wales, and we need to make sure that they are part of this journey as well. We discussed the dreaming quilts before, which is all part of the initiative, and obviously the culturally safe workshops around screening for Aboriginal and Torres Strait Islander people around breast, lung, prostate, bowel and cervical screenings. This is with the aim of improving early intervention and prevention strategies for Aboriginal

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and Torres Strait Islander people.

We ran three of those workshops last year and another three scheduled for this year as well. As I said, they are based in the ACT, but also around New South Wales, and we are looking to do one in Yas as well, which is great. One of the ones I did not mention before was the team of supporting, providing counsellor specific cultural training for CHS employees. This is to make sure that our CHS team is working with our Aboriginal and Torres Strait Islander patients feel culturally competent to do so. They have been running workshops with, particularly, the cancer health professionals, so it is the medical, nursing, allied health, to just support them in that space as well.

**THE CHAIR:** Any questions before moving on? Aboriginal and Torres Strait Islander impact statement and declaration. How many Aboriginal and Torres Strait Islander impact statement and declarations have been completed since their implementation?

**Mr Pepper:** I will need to take that on notice, Chair, and we will have a look at the policy asides I mentioned before. That is our mechanism for essentially capturing any procedural process changes within the organisation that shapes care and how people deliver it.

**THE CHAIR:** I will just go through the next couple of questions because they relate to the declaration. What proportion of all new health services have had an Aboriginal and Torres Strait Islander impact statement and declaration? How has CHS changed its service strategies and frameworks as a result of the implementation of the Aboriginal and Torres Strait Islander impact statement and declaration? We note that the document makes no explicit reference to the national agreement to ACT government agreement, targets or accountabilities.

**Mr Pepper:** I think that is a reasonable point, we will take that on notice, Chair, and have a look at whether that should be reflected in the document. I think for us it is meant to have a very broad capture. It is meant to apply to anything that is coming through the policy committee. It might be something completely unrelated to the priority areas, but for us it is the health service that is important that it has that lens put over it, and we engage with community on, whatever it is, how that should best be structured to—

**THE CHAIR:** Justice health, we are particularly concerned and have received a number of community inquiries about the way health services are delivered in AMC. We understand that there are not suitable facilities for our guys to provide holistic health care to detainees. When will this be resolved?

**Ms McKenzie:** You are right, Hume Health Centre is at, probably at the end of what more we can put in there. The room allocation to Winnunga, very recently, was the last room to be allocated. What we have done at CHS, the justice health team, is really work on our operational reform so we know our processes are very efficient and making sure that we are giving appointments to people as quickly as they need them.

We are also working openly with corrections about next steps on future developments, so corrections have employed an architect and they will be able to tell you what the next steps in that plan is, but we are keen to keep working to make sure that we have got a facility that allows the services to grow as needed.

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**THE CHAIR:** How do CHS work to support mothers giving birth in AMC?

**Ms McKenzie:** I will hand over to my colleague. The women in AMC are cared for by Winnunga, and then we will hand back to Sue for the shared model.

**Ms Pilkington:** Could you repeat the question?

**THE CHAIR:** How does CHS work to support mothers giving birth in AMC?

**Ms Pilkington:** I hope I covered, predominantly, most of it. I suppose the one other thing I wanted to mention was our women's health service who offer trauma informed counselling. They are able to connect with women who recently have been in the judicial system, and 50 per cent of their clients at the moment are recognised as Aboriginal and Torres Strait Islander. That is helping women in AMC, but also women when they leave that system as well. If they choose to, that service can be maintained. I think that is so valuable to maintain those connections and support.

**THE CHAIR:** I think so.

**Ms Pilkington:** I think many of our services I outlined earlier, also do enable and support women and the family group to connect to services because, as we mentioned earlier, one, it is individual, but also people perhaps do not recognise what help they need, and they do not know what is available. It is about connecting everyone together for the benefit of the child, the woman and the family unit.

As I mentioned before, we have the early—remember the long title, the one I said earlier that I cannot remember—the Early Family Support Services. We have got a nursing team that goes in and supports the unit as well. In July, 28 per cent of our clients in that group identified as Aboriginal and Torres Strait Islanders. What I am trying to outline is the team are really trying to prioritise Aboriginal and Torres Strait Islander women and the family groups, and enable that priority service to be available.

**THE CHAIR:** Over a long period there have been an average of 23 per cent of Aboriginal and Torres Strait Islander detainees within the AMC with ongoing drug and alcohol addictions. What has the directorate done to treat and deal with this ongoing problem in the AMC and in community?

**Ms McKenzie:** We do keep statistics, and if it is okay, I will read them out for you?

**THE CHAIR:** Yes.

**Ms McKenzie:** As of 7 August, there are 89 of 365 detainees who are on our opioid maintenance treatment program. Nineteen of the 89 identify as being Aboriginal and Torres Strait Islander, and 70 identify as being non-Indigenous. Probably the other most important thing is that we only have six clients who are waiting on an alcohol and other drug assessment in the AMC, and none of these clients identify as being Aboriginal.

I think this goes back to that a focus in the last year has been making sure that we have got really tight processes so that no one is waiting. For some form, particularly for

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methadone, we have a shared care approach with Winnunga for Aboriginal people in the AMC who receive methadone on our opioid treatment program.

**THE CHAIR:** Any questions before we close?

**MR WALKER:** I have just got one question about our health workers. I just want to know, are you aware of you Aboriginal and Torres Strait Islander health workforce, and where are they dispersed? What area do they work in? I remember years ago attending an allied health conference I was surprised how many Indigenous people were there from the ACT. Part of that stuff where you were talking about before around identifying people who are—they were here, but they cannot identify. They were not living in the community. They were just doing their work.

**Ms Morris:** For specific numbers I will have to take that as a question on notice. One program ACT Health Directorate may have touched is the Indigenous Allied Health Assistant Program. This is a program that looks to support year 11 and year 12 students to go through a school based traineeship, but they also undertake a cert 3 in the Allied Health Assistant Program at CIT. We partner with CIT and Indigenous Allied Health Australia to provide the placements for those students.

We have had seven students that enrolled in the program in 2022, and then we have had 10 student that were enrolled in the program in 2023. We have had four students that have graduated from the program, and we have offered three of those students a job as allied health assistants. Then the fourth student has actually commenced university training in the midwifery program, so we look forward to employing that person in the future.

**Ms Zagari:** If I might—just rather than us taking it on notice. Health professional officers, so these are our allied health professionals, we currently have a head count of 13 who have identified as Aboriginal and Torres Strait Islander.

**THE CHAIR:** Thanks for coming, and that is it from us.

**The committee adjourned at 4.35 pm.**



**ABORIGINAL AND TORRES STRAIT ISLANDER  
ELECTED BODY**

**UNCORRECTED PROOF TRANSCRIPT OF EVIDENCE**

**Members:**

**MS TANYA KEED (Chairperson)  
MS PAULA McGRADY (Deputy Chairperson)  
MS LYNNICE CHURCH  
MR MAURICE WALKER  
MR JACOB KEED  
MS JO CHIVERS**

**CANBERRA**

**MONDAY, 14 AUGUST 2023**

**NOT FOR QUOTATION, REPRODUCTION OR PUBLICATION****The Elected Body met at 9.30 am.**

Appearances:

Education Directorate

Haire, Ms Katy, Director General

Simmons, Ms Jane, Deputy Director-General

Spence, Ms Angela, Executive Group Manager, Service Design and Delivery

Matthews, Mr David, Executive Group Manager, Business Services

Nakkan, Mr John, Executive Branch Manager, Infrastructure and Capital Works

Ackland, Mr Daniel, Executive Branch Manager, People and Performance

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

**THE CHAIR:** My name is Tanya Keed, and I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all members of the elected body and would like to introduce them now. Paula McGrady, Deputy Chair, with portfolios in Transport Canberra and city services, ACT Health and our representative on the Coalition of Peaks. Maurice Walker, Member, with education and community services portfolios. Jo Chivers, Member, with justice and community services portfolios. Deanne Booth, Member, with the Major Projects Canberra portfolio.

We want to acknowledge the efforts in the early childhood area, where an additional hundred place for Koori Preschool have been more available. This is a great opportunity. While there are some challenges to face in 0-3, and also the interface with childcare and other placement works together, we did want to acknowledge those places.

The theme of the questions today is around continuity of education and connection to culture. There are some emerging issues in the workload, role and priorities of indigenous liaison officers, ILOs. ILOs are really important for our community, but we are finding that we are not sure of the scope of their role, how they work with the school, and even key issues like the ability to contact the indigenous education unit seem more difficult than they should be.

Please, could all witnesses that give evidence during the hearings acknowledge the witness statement for the record. I would like to invite the Director-General, Katy Haire, for any opening statements before commencing the questions. Please can you limit your introductory comments to two minutes.

**Ms Haire:** Thank you, Chair, and good morning Chair, Deputy Chair and Members of the elected body. My name is Katy Haire, and I am the Director-General, and I would like to thank you very much for having me, the deputy Director-General Jane Simmons and our team here today.

I would like to acknowledge the Ngunnawal people as the traditional custodians of the land we are meeting on and recognise any other people or families with connections to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and region. I also acknowledge and welcome other Aboriginal people who are here with us today, and we also



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acknowledge and pay respect to the Wreck Bay peoples, who are the custodians of the land on which our Jervis Bay School is located.

We are really keen to engage with you today, and also hear your feedback, and thank you for those introductory remarks, Chair. Last Friday, along with many of the senior team, I attended the directorate's Aboriginal and Torres Strait Islander symposium, called Celebrating Generations Past, Present and Future, along with more than a hundred leaders from across the Education Directorate.

At that symposium, we could see the Education Directorate taking clear action to embed cultural integrity across all of our work. It was a day to support our educators to find authentic and respectful ways to embed Aboriginal and Torres Strait Islander histories and culture into their teaching practice and the way they run their schools. The leaders who are here with me today, and I, acknowledge that the directorate is on a continuous learning journey, however cultural integrity is at the heart of what we are moving towards and learning about, and it is at the heart of a strengths-based approach that we take.

Embedding cultural integrity within our schools and within the education support office means: that our workplaces and schools will be culturally safe places for Aboriginal and Torres Strait Islander students, families and staff; be accountable for meeting the aspirations, learning and wellbeing needs of Aboriginal and Torres Strait Islander students; develop all staff and students understanding of Aboriginal and Torres Strait Islander histories, cultures, languages and knowledges through professional learning and curriculum; develop and maintain genuine, collaborative, respectful relationships with Aboriginal and Torres Strait Islander parents, families, local community members, service providers and agencies; actively represent Aboriginal and Torres Strait Islander histories, cultures and contributions to contemporary society in our physical infrastructure and online presence; support and provide opportunities for all staff to build their knowledge and understanding of Aboriginal and Torres Strait Islander history, culture and language; and regularly evaluate and refine our practice to insure that we are moving towards true cultural integrity.

We look forward to your reflections and your advice and support on how we are going towards that important commitment. In 2024, as you mentioned already, Chair, we are really excited that we are expanding our Koori Preschool program, and that—for the very important role that plays in the early learning, including acknowledging and respecting parents as the first educators.

We are opening our first new high school in the ACT for many decades, named after the Wiradjuri hero of social justice, Shirley Smith, which we are very proud of, and we will continue the scholarship programs, support programs, as well as the staff development that we have been doing over the last several years. I have many colleagues here today, along with Jane and myself, and I will sort of invite them up depending on the questions that you have.

But we really look forward to engaging with you and thank you for the opportunity.

**THE CHAIR:** Thanks, Katy. I will now pass to Member Walker to continue the questions.

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**MR WALKER:** Thank you, Katy, and welcome to you and all your staff. I am going to start with the priority reform number 1, partnerships and shared decision-making. For the first question, you have got a question and then kind of four parts to it. So how is the directorate working with the community to share decision-making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community?

How many new formal partnerships has your directorate established since 2020, as you realise we have not had a hearing since that time? How are they resources, what have they achieved and is that information publicly available? And if you need a refresh, I will go back when you—

**Ms Haire:** We might need you to go through one by one, Member Walker. I am going to invite Angela Spence, whom you know, Member Walker, to talk about the issue of partnerships. And as she is getting herself settled, as I said at the outset, that is a core part of our philosophy, that we need to be working not just with families but also with community and agencies to achieve cultural integrity. So we really appreciate the question, and of course, the way that manifests itself is different in every directorate, depending on the kind of services that you provide.

As you know, we provide public education, so we are largely a service provider, but we work alongside and with the support of other Aboriginal bodies at times, and Angela will talk about that and how that is formalised.

**MR WALKER:** Thank you.

**Ms Spence:** Thank you. Angela Spence, Acting Executive Group Manager for Service Design and Delivery. Good morning, everybody. So, the Education Directorate is working in a variety of ways around different partnerships, and probably what I want to highlight is a few key examples of some of the more formalised partnerships that we have, and then other areas where we are working with Aboriginal community-controlled organisations to really strengthen the work that we do.

So one of the great examples how we work in partnership with community is the Koori Pre co-design process that you mentioned earlier, and we have learned a lot through that relationship and engaging with Shona Chapman in that space to work with community in a formalised way to develop frameworks for our Koori Preschool program, and in a structured manner, I guess, to capture community voice as part of that engagement.

As part of that process, Shona led the co-design process with the Education Directorate engaging with community, including our young people as part of that process to develop a cultural safety framework and Koori Pre curriculum to really enhance the way in which we work in our Koori Preschool settings, and that particular piece of work has really informed our way in which we formalise our approaches with our partnerships with community, and we have learned a lot through that particular process.

I think another key partnership that we have, and our commitment at the moment is in the work that we are doing with Winanggaay Language Group to support the

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revitalisation of the Ngunnawal language.

**MR WALKER:** Can I ask you, what is the formal partnership part of that agreement with Shona? Can you explain that?

**Ms Spence:** So the formal part of the partnership is we engaged her and there was a commitment to the way in which we worked with her, specifically through the consultation process. That, our partnership and that engagement, has ended as part of that particular piece of work. It was for a specific purpose, and I think probably through that engagement and that—for a set period of time, we have really learned about the best ways of operating in partnership with community.

And hence the reason I wanted to share that example, because I think that really highlights that way that we need to work in partnership. So, does that answer the question?

**MR WALKER:** It is a kind of a fee, I guess, a contract for services?

**Ms Spence:** Yes.

**MR WALKER:** So we are actually looking for some answers around the partnerships that are determined by the National Agreement around whether we have made any partnerships with the ACT community around education outcomes?

**Ms Spence:** In terms of priority reform 1?

**MR WALKER:** Yes.

**Ms Spence:** Okay. Probably what I, if we are, in relation—

**MR WALKER:** Because the second part of the question, when I go the dot points, but the second part is I am going to ask you for three examples of how you have—with the shared decision-making. So, that would be—I mean, I know that with the Koori Pre reform, that is one good example I guess, but there is kind of consultation process, not necessarily a partnership.

**Ms Spence:** Yes. So I guess probably the way in which we work with the elected body in addressing priority reform area 1 is probably the strongest partnership that we have, and the way in which we work together with the elected body and through very structured processes to ensure that we are addressing each of the areas of Closing the Gap targets, and of course our Aboriginal and Torres Strait Islander Agreement we have with the ACT government.

The way in which we work with elected body through our education Member is structured in a way that we do deep dives into each of the areas of our agreement and the actions that we have in—our responsibility in delivering our actions, really focusing in on those outcomes and the impact we are having. So probably in terms of that relationship, it is through that mechanism to address priority area 1 first and foremost.

We also, in terms of priority area 1, are working with our advisory group, and have

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representation through the advisory group. We have had some complexities in maintaining the functionality of our Education Directorate advisory group, but the representation at the national body by a representative of that group was we work through, I guess working with the elected body, to insure that we have got formal representation with the national body.

So they are the areas that we are working in priority area 1 as part of that responsibility for that particular reform area.

**MS MCGRADY:** Excuse me. Does that also include the most important part of priority reform 1, is the shared decision-making?

**Ms Spence:** Yes. So maybe if I get you to clarify that a bit more? So the shared decision-making, we have other mechanisms that we work with community organisations. Probably our responsibility in reform area 1 is the way in which we work with that representative group to insure that they are a part of any important decisions both at the ACT level and at a national level.

**MS MCGRADY:** And that involves the shared decision-making?

**Ms Spence:** Yes.

**MS MCGRADY:** So the community group is, or person that you do consult with, absolutely required or need to be involved in shared decision-making, so making that decision together as opposed to all of the other work that you do as well, the consultation. But there has to be a voice at that table for that community to say, “Well, look, actually this can operate better this way.”

**Ms Spence:** Deputy Chair, we can cover it now or come back to it when Member Walker asks his further question.

**MS MCGRADY:** It is Member Walker’s space, so that is okay. Thank you.

**THE CHAIR:** Can I just ask a question? You said that a lot of this stuff is done through Shona, you mentioned Shona’s name, and does she get advice from community? Who in community? And you talk about the advisory group. Is that an Aboriginal advisory group? You seem to be going off what the question was asked by Member Walker. You are more talking about consultations. We are here to talk about partnerships. We are talking about our kids education, and we want to know about the formal partnerships.

So when you are talking about the advisory group, is that an Aboriginal advisory group? If not, who is on that advisory group, and who in the community has Shona consulted with? That is what I wanted to know.

**Ms Haire:** Chair, I am going to invite Ms Beth Craddy to join us at the table as well, to talk about some of those partnerships. But if I may just clarify the points that you have just made, we have been talking about two different things, and apologies that it got a bit—so if I can help —

**THE CHAIR:** Yes, you seem to be talking about consultants. Maybe we need to read

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the question again, because you are just going off.

**Ms Haire:** I think I can help disentangle it. If you let me try, and if it is still tangled let me know. So, initially Ms Spence was talking about the co-design process for Koori Preschool. As discussed, Ms Shona Chapman was engaged to support that, but that involved a very significant and deep co-design process, so going to your point, Deputy Chair, that was where it was not a consultation or an engagement or “what do you think” kind of process, it was a genuine process of shared decision-making and genuine co-design.

So for us, as Ms Spence has said, that was a very important, both an example of what we think is best practice in terms of sharing decision-making, but also is going to serve for us as a model, because we think it is the best example of a shared decision-making process that we have undertaken. So that is part one.

Part two, Chair, Ms Spence was also talking about our advisory body, which has been in place for many years. The advisory group for Aboriginal education, and as Ms Spence has said, since the pandemic that has not met as often and we are currently in the process of seeking advice and guidance about what the next iteration, or what is the best way to run that. So they were two different things.

**THE CHAIR:** Yes. COVID’s been gone for a while.

**Ms Haire:** I am sorry they got mixed together. But also, if Ms Craddy can join us at the table talk about some of the other partnerships that we have with Aboriginal organisations and the shared decision-making.

**MS MCGRADY:** Thank you. I will hand back to Member Walker.

**MR WALKER:** I just want to make sure that the information that Beth is going to bring to the table is about the partnerships from priority—like the examples from priority 1. So we are looking at partnerships in our community with organisations about shared decision-making, and you have given a couple of examples, but it still bordering on consultation rather than actual developing partnerships, and the two formal one you talked about was with agreement and with the elected body in relation to giving that advice.

So we might move on, because we are going to come back to questions around the AECG and the representative indigenous organisations where there should be another formal partnership involves. So once we get the explanation about what is happening with that, and what is the next steps in relation to how Aboriginal and Torres Strait Islander people from ACT can be involved in that partnership. You will come here later on with that, yes.

**Ms Haire:** Member Walker, we can also, later on, talk about the partnership with the community that is expressed through the management of Birrigai as well, which as you know, has that strong focus on learning on Country and a very deep relationship to draw on the Ngunnawal knowledge to inform that. Including, as you might have all seen if you were driving south on Saturday, some alarming-looking smoke in he air, but it turns out that was the team at Birrigai along with Ngunnawal elders doing some traditional

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fire management in preparation for the summer.

So that is another really great example. We can talk about all of those at an appropriate time in the session, Member Walker.

**MR WALKER:** Beth may as well come up to the table now. The next question is, on information on the ACT government website, the ACT Aboriginal and Torres Strait Islander Education Advisory Group provides advice to the ACT government on education and training matters that affect Aboriginal and Torres Strait Islander students, parents and communities. Who are the current members, how often do they meet, what advice have they provided and how has that advice been actioned, and I guess a double-whammy with that question is, can you give us an update on the AECG? Which is the Aboriginal Education Consulting Group and what is the next step in that process?

**Ms Haire:** So can I clarify on the AECG, Member Walker. You mean the national group that being set up?

**MR WALKER:** No. There was an Aboriginal Education Advisory Group in the ACT which a number of our community members and former education workers were a part of. I will just mention a couple of people. Natalie Brown and Deborah Eades were members of that consulting group. So, it is that structure which I have asked about a couple of times and so—

**Ms Haire:** Yes. And that is what I was referring to earlier, Member Walker, that since the pandemic, and we are currently—but I will hand to Ms Spence, and also Ms Craddy will join us at the table because that is a very important issue to us and we are currently in the process of seeking advice about what we do next in relation to that, because—

**MR WALKER:** We have had discussions at our DG meetings, and I just want to get that clarified for the hearings, thank you.

**Ms Haire:** I will pass to Angela, and then she will pass to Ms Craddy.

**Ms Spence:** Thank you, Katy, and thank you for that question. And I know that having that function of that particular group is so important to give voice to the Education Directorate around our ways of operating and supporting the work that we do so we can truly have the desired impact on our young people.

And Beth will give some more detail, but that particular advisory group that we are talking about, the AECG, as discussed in our DG meetings we have had some challenges in getting people to volunteer as part of that, which is one of the challenges we have because of this relying on the volunteer nature of being a part of those particular groups.

And it was discussed at that particular group around new ways of operating, and better ways of operating to ensure that we have representation for community for the Education Directorate. So most recently, there was a decision that was made at that particular group, and Beth will give some more details on that soon, around a particular option in looking at an expert panel instead of an advisory group, to really strengthen the way in which we provide voice.



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And that is the work that is currently happening. It is to consider the way that we will go about strengthening that through an expert panel, using what we have learned from the work with Shona Chapman in that co-design process to really look at how we co-design that particular group so that we can better support, I guess, the pathways, the community voice that is really important to the work we do.

At that point, I will hand to Beth who might be able to add some more detail around the membership when these things have occurred so that you have got the detail about the question.

**MR WALKER:** Thank you.

**Ms Craddy:** Morning everybody. Beth Craddy, Senior Director of Aboriginal and Torres Strait Islander Education for the ACT. I think there has been a little bit of confusion, I think because things have changed in the federal space. So, I will start with that and provide a bit of historical context as quickly as I can, mindful of the time.

**THE CHAIR:** Beth, can we just—Katy, can you just get the witnesses that you have got just to make sure that they acknowledge the statement please,

**Ms Haire:** Yes.

**Ms Craddy:** Sorry.

**THE CHAIR:** Yes. Thanks, Beth.

**Ms Craddy:** So all I have to say is, “I acknowledge this statement.”

**Ms Haire:** Yes, you do. Thank you, Beth.

**THE CHAIR:** Yes.

**Ms Haire:** Chair, one of the things that the recent Estimates hearing did was that they got all the witnesses to say “I do” all at once. It was a bit like a group wedding, but then we would have it all done. Would you like us to all acknowledge it now and then we can keep the conversation going?

**THE CHAIR:** Yes. It is easier.

**All witnesses:** I do.

**Ms Craddy:** So up until 2014, the consultative groups or consultative bodies were funded by the federal government. In 2014, I believe under the leadership of Mr Abbott at that point, the funding was withdrawn. We had a surplus amount of money at that point, which we quarantined and rolled from year to year in order to be able to keep a consultative group going. At that point, there were two incorporated bodies in the country, which was Victoria and New South Wales.

So we were one of the few, we were basically the only other jurisdiction that was



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keeping a group going, but ours was not independent because we could not incorporate. Since that time, South Australia managed to incorporate, but I think that is it. At this point in time, there is the three. Then there was the talk about the National Aboriginal and Torres Strait Islander Education Committee, which we had representation on even though we were not incorporated by Carly Freeman who would represent us at that one.

We did not necessarily have voting rights, but we had a seat at the table. From there, we then started talking about the First Nations voice to education ministers. Now, the NATSIAC group, the national group, is going to provide that First Nations voice function to the education ministers. To get a seat at that table, the representatives from each jurisdiction, if it is not from an incorporated body, must be a representative of the community.

At that point, I think earlier this year, the DG sent a letter to the elected body asking if there was scope for the education representative to participate at that meeting, and to have a voice at that national table. I think it was a couple of years ago we went through the process of trying to incorporate the consultative body. It was not feasible, and with the members that we had left the agreement was that we would investigate an expert panel.

Since that time, the First Nations voice appeared, and so we were attempting to establish that first, and to have a voice at that table, Dr Kaye Price, who I think many of you will know, was the interim representative for the ACT. Just so that we continued to have a voice at that table.

As far as you were mentioning Deb Eades and Nat Brown, Deb Eades was one of the more current members of the group. I think she is still in contact for consultation, especially around special ed-type arrangements, and from memory Nat was a member many, many years ago. Not recently.

I think our challenge at the moment now is to formalise our arrangement with the First Nations voice to the Education Minister, so that we definitely have a space at that table, and—

**THE CHAIR:** Beth, can we just bring it back to—we want to know about the community having a voice with ACT Education, not this national.

**Ms Haire:** So, Chair, I think if Beth describes the process that we are going through to identify and establish this new model of the expert panel. I think that is the direction you would like to go in.

**THE CHAIR:** We do, but then we want to know more about the ACT community as well.

**Ms Craddy:** Okay. So with the First Nations voice to EMM, or Education Ministers, if that goes through, and again, I have not heard any outcome from the request from the DG that the elected body take up that role for us, and then we would have to decide on the mechanism and how that communication would take place, and I would imagine it would be the elected body then that would do a lot of the consultation around that, and we would support.

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But that has not been finalised, because I have not seen an outcome from a letter, at that stage. Forgive me, if it has actually happened. As far as the expert panel is concerned, that would be also a co-design process to establish that. But all of this takes times. The other thing, I think—

**MS MCGRADY:** Excuse me, Beth. That decision is still left to government, so it is not feeding into priority reform 1, where Aboriginal and Torres Strait Islander people have chosen their own representatives. So where in this are we having a say in the representation of who we believe in our community are the decision makers or are the main contributors?

**Ms Craddy:** When we get to, sorry, the—

**Ms Haire:** Sorry, Beth, just before you go to that. Sorry, Deputy Chair. I think the bit in the story that maybe Beth can go back to is that the establishment of the idea of an expert panel has come out of the discussion and decision making of our former consultative group when working with us on why that model was no longer fit for purpose and identifying a future model. Did you want to talk a little bit about that discussion first, Beth, and then how the design would flow from that?

**Ms Craddy:** Okay. Essentially, as I said before, that decision was reached because the members of the consultative group advisory group were not in a position and did not have the desire to incorporate. There were several efforts to try to get the incorporation happening. The Education Directorate could not run that incorporation process. We basically could provide some resources for it, and then it was a matter of handing over and trying to get that up and running.

Then we went to the First Nations Voice, and because the elected body members are elected and chosen by the community, we figured that would be fit for purpose. When it comes to the expert panel, we have not even really started that process, and it would involve consultation with the community about deciding on who would be on that actual panel.

**MR WALKER:** Sorry, Beth. Sorry to cut you off. I think that is the part where—and thank you for the background in relation to the national focus. I think the question from community that is in the later part, which is that question there—I did not realise it was going to be repeated, but it was about what is happening locally.

Now that you have expressed that, I guess the question from me then is when will that process start around looking for other members to sit on that, regardless of incorporation or not? It is just about representation; and forgetting about an incorporated entity. It is just about people want representation to obviously give advice, as it says in the question, on education and training matters that effect their kids, obviously. If that is where we are at—if what you just said, that you are not ready to start that process yet, or—

**Ms Craddy:** I would imagine we will start that process before the end of the year. The First Nations Voice stuff has nearly landed, really, as far as I think we can go with that. Then being mindful that what mechanisms are needed to be able to establish that it is a truly representative voice of community—I think that is going to be part of the

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challenge in that sense, and we will happily work with whoever to come up with that arrangement for the expert.

**MR WALKER:** It has been four years since that organisation has given advice in relation to—I mean, I know that you said that Deb has been given advice ... (indistinct)... [10.03.44] over the years, but structurally, from a community's perspective, there has not been a gathering of that group because of the lack of numbers. Can we not have our own process without waiting for national outcomes?

**Ms Craddy:** Of course we can, but I think part—forgive me. Part of this is the agency of the community to do something rather than waiting for us to create the structure. We are more than happy to work with people, but we are constrained in the government space. We could hold a meeting. We could ask people to come. We have done that on several different occasions. If you guys have got a way that we can progress this, given the constraints of being in public service land, I will happily take those onboard and make a move in that space. Again, it is not for want of wanting to do this. It is working out a way of being able to do this.

**MR WALKER:** Thank you. We will move on to priority 2, engagement with Aboriginal Community-Controlled Organisations. How many local, ACT-based ACCOs have you worked with in the last two years?

**Ms Haire:** Thank you, Member Walker. I will pass to Ms Spence to answer that question, and Ms Craddy.

**Ms Spence:** Thank you, Member Walker. We have different relationships with different Aboriginal Community-Controlled Organisations. I will describe the first couple, and then probably some less formal relationships that we have that are through our schools that we do not necessarily have as strong a line of sight on.

The first one probably is with Gugan Gulwan, and the way in which through various areas in the Education Directorate we engage with Gugan Gulwan. One of those examples is through our flexible education unit, especially in the way in which our Murrumbidgee School works with Gugan Gulwan to support Aboriginal and Torres Strait Islander students that attend Murrumbidgee School. They have a very strong partnership in that particular area, with staff visiting Murrumbidgee School each week to support young Aboriginal and Torres Strait Islander students in that particular space.

We also have our targeted support team that provides support into our schools and works with our schools directly, and they often reach out to Gugan Gulwan as well to provide the wraparound supports to some of our students in our schools as appropriate.

**MR WALKER:** Is there another one besides Gugan? You said you had two.

**Ms Spence:** Yes, so that is the first one.

**MS MCGRADY:** Can I just say as well, like, there is a lot of waffle. Can you just answer the question which was around how many ACCOs and who? Like, we do not need all of the other stuff—

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**Ms Spence:** The explanatory.

**MS MCGRADY:** It would be good if you could just directly answer the question.

**Ms Spence:** Yes. So the other one is with Winnunga, in which we use Winnunga to provide our kindergarten health checks as part of our work there. Some of the other relationships directly with our schools are through Yeddung Mura, which is an organisation that works directly with the school engaging them, and Yerrabi Yurwang as well has relationships with schools directly, but not necessarily through the Education Directorate Office. Beth, I will hand to you if there are any others that you are aware of.

**Ms Craddy:** We are actually in the process of working with the Winanggaay Ngunnawal language group, and we will be at some stage in the near future formalising a partnership that carries funding with it as well to further their work and be able to get resources into school. That relationship has not been formalised as yet. It will be done before the end of the year.

We have been working with them for a good couple of years before they are incorporated, and even though they are incorporated, most of their work is done on a volunteer basis, so we are working with people who have full-time jobs. We have been running Ngunnawal language workshops for the last few years with Cheyne Halloran, and he was involved in our symposium as well. When we do formalise that relationship, a lot of it will be around getting resources into schools, and we will be starting, hopefully, with the early childhood end with getting some literacy resources in that space.

**MR WALKER:** Thanks, Beth. That was the second part. One of the other questions was about any new community-controlled organisations. There is no transition of services here with the existing organisations?

**Ms Haire:** Member Walker, I guess this sort of goes back to when we started talking about—it is different with different directorates, in that we deliver public education. And so we partner with Aboriginal organisations, but in fact the responsibility for public education remains with the government, which I think we would all want to be the case.

**MR WALKER:** Thank you very much.

**Ms Haire:** Yes. And early childhood.

**MR WALKER:** With the Ngunnawal language group, how are you assisting that organisation to contribute to the partnership?

**Ms Craddy:** In the first instance, as an introductory measure, we provided them with a substantial sum of money for a small word glossary, which we can now use in schools. At the symposium on Friday, Cheyne ran workshops around the pronunciation of all the words on that glossary so that that is not going to be misrepresented in schools. That was one of our concerns, that people would pick up the glossary and start mispronouncing things and make it not as valuable and as authentic as it should be.

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I probably cannot go into all the details at this stage because they have not been finalised, however we are in the process of negotiating how we can provide the funding for them to be able to employ a linguist in the first instance to progress their work. There have been holdups in that space as well for personal reasons from the linguist. We are also looking at how we can develop some early childhood resources, but the discussions are fairly preliminary at this point.

**MR WALKER:** Thanks, Beth. We are going to move on to Indigenous Procurement Policy. What is the number and the value of contracts that you have supported under the Indigenous Procurement Policy?

**Ms Haire:** Thank you, Member Walker. I will just invite Mr David Matthews to address that question, and we also have a really good example of a very significant project that you might invite Mr Nakkan to address with you as well.

**Mr Matthews:** Chair, Deputy Chair, Members, Member Walker. I acknowledge the privilege statement. To give the facts and figures related to the question, the Aboriginal and Torres Strait Islander procurement policy came into effect from 31 May 2019. Originally the target was 1 per cent, and then 1.5 and then 2 per cent of addressable spend.

In the Education Directorate in 22-23, the most recent financial year, there were 27 contracts awarded to Aboriginal and Torres Strait Islander enterprises with a total contract value of \$4.91 million, which was in total 2.3 per cent of the directorate's addressable spend.

**MR WALKER:** What are the requirements within the contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander people?

**Mr Matthews:** Member Walker, the contract forms depend on the size of the contract, so generally, as you would be aware, they have a general set of conditions, terms, contract terms, and then they have schedules which describe the services. So it really would depend on the types of services. Where the initiative is specifically targeted at the Aboriginal and Torres Strait Islander community, generally there would be an expectation of community engagement and potentially some employment outcomes, but that is a general answer. It would really depend on the specific contract.

**MR WALKER:** Do you ever seek Indigenous-specific outcomes, and have they been achieved?

**Mr Matthews:** Member Walker, absolutely within those range of contracts. The work of the directorate in terms of contracting out—as Ms Haire said, most of our work is service delivery ourselves, but we tend to either have very large contracts in the form of major capital works or smaller contracts. A lot of the smaller contracts that are led by schools would be for local cultural integrity work; for murals; for doing work around the cultural gardens, for example, so there are a lot of smaller-scale projects which would be below that reporting threshold which would be done at a school level.

Then the major projects, which would generally be mainstream projects, but, for example, with our major capital works our design specifications have a number of

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inbuilt measures around cultural integrity into them, and so we want to make sure that when we are doing these major capital works projects we design in some cultural integrity.

The one example that Ms Haire talked about—which we would be happy to further expand, if that is useful—is that under the Indigenous Procurement Policy we undertook to have a pilot project with Major Projects Canberra, and the project that was selected and in fact has been delivered has been the expansion of the Gold Creek Senior School. That was a major capital works project in particular that we used the Indigenous Procurement Policy to deliver through, and we can provide some further details on that if that would assist.

**MR WALKER:** With your larger contracts, obviously you would be seeking Indigenous outcomes for employment?

**Mr Matthews:** I would have to check that. My colleague Mr Nakkan might help me with the general terms of conditions. Generally, there are not specific employment outcomes in general contracts, so that would be generally the case. Mr Nakkan might be able to assist me with that particular project that we have mentioned.

**MR WALKER:** I thought that part of the Indigenous Procurement Policy was around making sure that larger contracts add investment of Indigenous employment, and there is a set percentage in relation to Indigenous employment. I know that one of the schools that you were building recently had outcomes for Indigenous employees—employment opportunity. It is kind of a general question, I guess, in relation to if you are going to have bigger contracts in the future and a new school that is proposed, you would hope that in that contract there would be employment outcomes for our people.

**Mr Nakkan:** Good morning, board. My name is John Nakkan. I am the Acting Executive Branch Manager of Infrastructure and Capital branch. I have acknowledged the privilege statement. All major procurement—so all procurement that goes to tender; procurement over \$200,000—has a requirement in the tender process to have Aboriginal and Torres Strait Islander peoples' economic participation. All tenderers have to identify what level of participation from Aboriginal and Torres Strait Islanders people are in their process, whether that is in the design process, in the construction team, in the management of those contracts. Through government and through Major Projects Canberra, we seek that as a criteria for decision making in the contract letting.

**MR WALKER:** ...(indistinct)... [10.17.05] if you choose to make that an outcome, you are able to do that, yes? Part of the commitment to Aboriginal and Torres Strait Islander outcomes.

**Mr Matthews:** Yes, Member Walker. Again, as Mr Nakkan said, we certainly invite tenderers to bid against employment participation, but you are right. The ACT government can determine the requirements that it puts out to tender.

**MR WALKER:** Thank you. Next question: in relation to mainstream organisations, what are the specific requirements that those organisations must have to guarantee access to services in the community? Obviously, they all must have Aboriginal and Torres Strait Islander staff within the organisation, have representation on boards and



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how they procure services. If that is too long, I can subtract that.

**Mr Matthews:** No, I am just trying to work out the best way to answer that, Member Walker, because obviously in the procurement area you have got goods, services and capital works. The majority of our procurement is in the capital works area, so that is where we are obviously building and upgrading facilities. We tend to take a project management approach, so that we go through a procurement process; we manage a contract, including the sorts of outcomes that we have talked about; and then we deliver it and hand it over as a functioning asset to schools; and then of course schools use that to provide public education. Within the capital works area—unless Mr Nakkan has got anything else to add to that.

**Mr Nakkan:** No, that covers it from my understanding.

**Mr Matthews:** It really would in the goods and services space—as I said, we do much fewer goods and services contracts, but that would be quite specific to the individual contract.

**MR WALKER:** I got a message here. Obviously, people are listening to us while we are talking.

**Mr Matthews:** That is great.

**MR WALKER:** These are all elements to show Indigenous participation in a procurement as part of the policy. We are checking how you are going on this. We want to know how you are going on that. So if you can—obviously part of that is around that consideration of Aboriginal and Torres Strait Islander employment outcomes, so obviously if you are looking at larger projects then obviously there should be obviously consideration for Indigenous employment. With the smaller ones obviously—the next question kind of adds to smaller businesses, but—if that is all you need on that question?

**Mr Matthews:** The only thing I would add, Member Walker, is that, as Mr Nakkan has pointed out, it is a criteria that we use to select the provider. Then that becomes a contract condition. So if a provider says that they will be employing certain numbers of people, then we would hold them to that as part of the contract management process, that is the way that it works. So—but it would vary per individual contract.

**MR WALKER:** Obviously they are the choice there then for you to negotiate with the percentage of Indigenous employment—employees.

**Mr Matthews:** Yes, Member Walker. So, yes, so we add that as a criteria and the weighting of that criteria, so how much prominence we give that criteria is determined in the evaluation plan for each of those procurements. So, yes, thank you, Member Walker.

**MR WALKER:** Has anyone not met those requirements, or the targets, and what have you done about it?

**Mr Matthews:** I am not aware of any.



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**Mr Nakkan:** No, because, as Mr Matthews stated, that it is part of the contract selection process, so once the successful contractor begins work, then through the contract management process we make sure that they are committing to those deadlines and commitments. So, you know, we meet every month with the contractor and we go through all those criteria that are in the contract and ensure that they are achieved. Because of that continual engagement we do not see any non-performances.

**Mr Matthews:** Thanks, John.

**MR WALKER:** How are you engaging with Aboriginal and Torres Strait Islander businesses, how many contracts have you entered into with Aboriginal and Torres Strait Islander businesses—yeah, I will leave it there and I will ask the question next?

**Mr Matthews:** So, yes, the advice from Procurement ACT is they have served 27 contract last financial year, they have met the reporting threshold and they are publicly reported through the contracts register, and they are Indigenous businesses and they would be larger and smaller businesses.

**MR WALKER:** As your directorate, how has your directorate implementing the Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Mr Matthews:** Actually—I will be moved on.

**MR WALKER:** Sorry, I did not mean to—

**THE CHAIR:** Just to let them know you have moved onto priority form 3.

**MR WALKER:** Yes, sorry, priority form 3. Under the ACT Agreement—I apologise for that, how is your directorate implementing the Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Ms Haire:** Thank you, Mr Matthews and Mr Nakkan. I will invite Ms Spence to join us. Did you want to start off on that Jane?

**MR WALKER:** Thanks, David.

**Ms Haire:** No. And she might invite Ms Craddy as well. So, we have responsibilities under the agreement in—under the children and young people area. We have actions under economic participation, lifelong learning, cultural integrity, inclusive community and community leadership, and so we effectively have actions under each of the areas of the agreement.

We have a very extensive process that we have gone through that we have shared with you and we are very keen to share with the rest of the elected body, reflecting on the outcomes from the end of the first action plan and then translating that into achievable outcomes with genuine impact in the second phase, in the second action plan, and we have identified those and then we have, as the Auditor-General found last week, a strong governance approach to monitoring how we are going on each of these.

If it is helpful, depending on how you would like to go through it, we can step through

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what our responsibilities are under each of the areas, or we can talk about the process, or we can do both. However you would like us to go through that, Member Walker.

**MR WALKER:** Yeah, so obviously part of that answer would be how do you work with other directorates to implement agreement as well?

**Ms Haire:** So I will kick off on that and then Ms Spence and Ms Craddy can take you further. As you know, there is a whole of government responsibility for implementing the agreement and that has been—we have the core responsibility sits with CSD through the Office of Aboriginal and Torres Strait Islander Affairs.

We engage—I am on the strategic board subcommittee that oversees the implementation of the agreement. Angela, Ms Spence sits on the IDC that governs the whole of government actions, and Ms Craddy is on other government bodies and also is the lead on a couple of the whole of government actions. So I guess the implementation of the agreement includes some actions that are the core and sole responsibility of individual directorates and then it has other cross-cutting elements such as cultural integrity where projects are undertaken across the entire ACT government.

In the Education Directorate we are involved with both and the governance that we are all a part of is primarily looking at the cross-directorate responsibilities, then we in our directorate report on and monitor our individual directorate responsibilities. And, of course as you know, then the agreement responsibilities then flow up into how the ACT accounts nationally for the Closing the Gap targets as well.

We do work very closely on cross-government priorities such as cultural integrity, there are also a number of our actions, for example, the three year old preschool actions and the Koori Preschool which require us to achieve those to work extremely closely with other directorates including in particular Community Service Directorate. So we have different relationships depending on our responsibility for actions under the agreement.

That is sort of a structural level but we are really happy to go further into the detail, either of those cross-directorate elements we are responsible for or what we talk with you about every month, Member Walker, the ones that the Education Directorate is directly responsible for.

**MR WALKER:** I have not seen the Auditor-General report, but he was not very nice, said that your governance was ineffective.

**Ms Haire:** The report from the Auditor-General last week made a number of recommendations and cut across government governance could be improved and CSD is working on that. In relation to the Education Directorate specifically—

**MR WALKER:** Not necessarily yours, they may witness that, maybe.

**Ms Haire:** Yes. So it reflected on both and I think that is a really important point that you are making, it said at the whole of government level the governance could be stronger and in terms of individual directorates it was generally positive about how we monitor and implement our actions under the agreement and used us as an example of

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good practice in relation to that.

**MR WALKER:** You were going to answer the first part of that question.

**Ms Spence:** Just refresh me. The first part of the question is around the way in which we work with other directorates, or would you like me to—

**MR WALKER:** How do you implement the agreement as part of your core business?

**Ms Spence:** Yes. Thank you for that question. I will firstly just sort of go through the way in which we have developed phase two implementation plan and then hand over to Beth for some more detail around the ongoing engagements.

**MR WALKER:** If we can be a little bit succinct about that information, because—

**Ms Spence:** Yes. Running out of time.

**MR WALKER:** —yes, and time, we are going to have morning tea and then we will come back after morning tea for a second go at you.

**Ms Spence:** Thank you for that reinforcement. So the development of the phase two implementation plan is done collaboratively across the whole of the organisation. Our Aboriginal and Torres Strait Islander team led our senior executive through a reflection process on phase one implementation and a review of our impact and then used that I guess to develop up a collaborative approach to how we share responsibilities for actions across all areas of our directorate. That is something that is really important to us, in developing each of those actions is the shared responsibility that everyone plays as part of phase two implementation plan, and I will not get into that detail.

So a part of our responsibility and the way that we share that across the directorate is the way in which we engage in our monthly meetings with the elected body, and the work that we are doing to really do stronger deeper dives into our progress against those actions, but really looking at measuring the impact and what are the indicators of success, and we invite our various members of the Education Directorate to actually provide the detail at each of those monthly meetings so that we ensure that we are working together with our elected body of course in that space and keeping people informed, but also engaging broadly across the Education Directorate because we believe in shared responsibility.

Another aspect of that is the way in which we support the reporting component against all of the phase two implementation plan actions, and we are coming up to our first reporting cycle. Again, a shared responsibility is not sitting with our Aboriginal and Torres Strait Islander team because our commitment is that every one of us is responsible for enacting the implementation plan to meet the aspirations of the national agreement. So, in terms of process, that is how we support the implementation of that particular process more broadly across the directorate.

**MR WALKER:** Thank you.

**Ms Spence:** Would you like some more detail around the specific actions?

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**MR WALKER:** No, that is fine. You were going to add anything to that?

**Ms Craddy:** Yes, I will add, transforming government organisations. Just to quote Inguri, it take—it is easier to create a new culture than it is to change an old one, but we are in the position of having to change old ones, existing ones. One of the big pieces of work that education has probably taken the lead on is addressing systemic racism, which is part of the it is easier to create a new culture than it is to change an old one. We tabled that at the inter-directorate committee last week, and hopefully in the next month we should be able to get that one approved at that level and move it up to straightforward and then there will be some strategic forward, and then there will be some traction across the entire ACT government.

The cultural integrity whole of government framework is being trialled in essence through the Education Directorate where we have got our commitment to cultural integrity which is replacing a RAP. It is a lot more comprehensive than a RAP for us and it has the government structures in it, so things—people are basically committing to things that they will have to do rather than it being aspirational, like a lot of RAPs are.

We are involved very much in with this work with the Aboriginal and Torres Strait Islander staff across the whole of the ACT government as well as our education team, and having said that, with the education team, our team in particular, there are 24 staff members, 20 of those are Aboriginal and/or Torres Strait Islander and they are also members of the community. So when we are talking about community we are talking about the 159 education staff as well as I do not know how many across ACT government in that space and we work very closely with them on all of those.

The governance structure around what we are doing with the phase two part of the agreement, most of that is transformative but it will take time, and I think we probably get a little bit over excited, Pat and I live and breathe this stuff all day every day, and trying to make those changes is something that we very much want to do. The governance part of the whole of government agreement, especially for education, is important and that was something that is brought up in the audit report, Auditor-General's report, and that is where the CORPEX and the executive governance team will play a role in making sure that all of those things take place.

An internal aspect of that is what we call a dashboard. So we are in the process now of negotiating one central place, like you have got the whole of government agreement dashboard, where we can with the flick of a—or the touch of a button come up with what people are doing. So it is in their minds that they need to progress all these things in a timely manner. Does that answer your question at this point?

**MR WALKER:** Everyone okay with that? Madam Chair?

**THE CHAIR:** We have until 10.45.

**MR WALKER:** 10.45, okay. Keep going. Funny you should mention systemic racism. One of the things that is probably outstanding is that the elected body was not involved in that process as a collective. So I wonder if when we can—can we get a chance to

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look at that? Obviously it has been submitted, so the questions under systemic racism and obviously you kind of went to answering that, Beth, around what have you done to review your legislation policies and processes to identify and remove systemic racism?

**Ms Haire:** So, Member Walker, maybe I can divide that into two questions. One is about the whole of government work that is going on in relation to systemic racism that Ms Craddy has talked about that she has been taking a very strong leadership role in. That work, as Ms Craddy said, is in the process of being completed. One of the elements of that will be that it will go to the committee that I sit on but which either the chair or the deputy chair of the elected body sits on, which is the strategic board committee, and so that—I am not sure if there are other elements but that is certainly part of the process.

I think then separately you are talking—then, Beth, you will have to jump in and correct me if I have got this wrong—then this will then set up a framework for all directorates for then how they do that next bit that you have just talked about, how you interrogate and review your own internal structures to identify where there are elements that could perpetuate structural racism, and that will flow from that framework that has been developed, Beth, I believe.

**Ms Craddy:** Yes. The framework basically, it is very simple, it—based on research from around the planet and really it is looking at in the first instance areas or pillars or domains. So, for example, leadership, governance and accountability is one. Recruitment and workforce development is another, and there are another five and my brain has gone to mush with remembering all of those at this point in time. Pat might be able to fill me in when I come back next time round.

I believe that the elected body is represented at the IDC as well. So that—

**THE CHAIR:** They were not invited.

**Ms Craddy:** Hey?

**MS CHIVERS:** Yes, well, given that we are on the IDC, I absolutely do not understand why we have not been included in this whole of government work around systemic racism given we are a member of the IDC. So I think that that is a real shortcoming, that the elected body has actually been excluded, and yes, you have just said that, yes, the signed off report will be going to strategic board, but why have we not been involved in anything prior to the final report going to strategic board, that is an absolute shortcoming. If we are a member of the IDC, we should have been included in this important piece of work.

**Ms Haire:** Ms Chivers, maybe I can assist and I may have misspoken. So, what I did not—I did not intend to say that it would be the signed off version that would go to the IDC and to strategic board, it will go to those two bodies for decision and discussion, so it is not a fait accompli.

**MS CHIVERS:** That still does not exclude the fact though that we have not, as a member of the IDC, been involved in any of the systemic racism piece of work. You know, so yes, it may come to us at whatever stage, but the question is around why has the elected body been excluded from this important piece of work given that we are a

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formal member of the IDC.

**Ms Spence:** I can actually probably attempt to answer that question, but I am probably not able to give you a specific answer until I get further information. ATSIA of course is the secretariat for IDC. The last IDC meeting was a paper was presented on, the framework that Beth just talked about recently, which was just an update on what the working group is working towards. It has not gone through any approval processes at this stage, but prior to that, and I can see where that question is coming from, I will probably need to take that and come back to you around the specifics around the invitations—

**MR WALKER:** If you would take that on notice it would be grate.

**Ms Spence:** —that have happened prior to that last meeting.

**THE CHAIR:** Yes.

**MR WALKER:** Thank you.

**Ms Craddy:** Sorry, with all due respect, we may have ended up taking the lead on this work. The leadership originally sat with CMTEDD, I am not trying to, you know, and that is—and there was a working group, a cross-directorate working group. I joined that working group beginning of last year, it had been in operation for 18 months and things were going backwards and backwards, backwards and forwards.

At that point in time they then elected or chose from the Aboriginal and Torres Strait Islander component of that working group two co-chairs to sit with the non-Indigenous chair. That happened to be myself and Jacob Keed, and we have attempted to progress that work with the working group that changes backwards and forwards. I take your point. It is not something that I was aware of as far as the mechanisms were concerned, and it something that needs to be addressed, well and truly.

**MR WALKER:** Okay. So, look, I think we can assume that the directorate is involved and it is obviously at the government level in relation to systemic, so, what has the directorate internally done in relation to addressing systemic racism? What legislation has been reviewed and amended, if any? What policies have you reviewed and amended, if any?

**Ms Haire:** So, Member Walker, in terms of the whole of government approach to systemic racism which is not yet finalised, that will create a—

**MR WALKER:** Basically your processes are locked into that government process?

**Ms Haire:** Well, yes and no, I do not want to make it sound like, you know, it is a lock-step thing, and I appreciate the point that you are making. There is the whole of government approach to systemic racism which is being developed and has not yet been landed. As part of our work through cultural integrity, and in some ways we see cultural integrity as being the driver of how you transform organisations for the positive, and systemic racism of course is what we are trying to identify, address and eliminate, so those two things have a very close relationship in the philosophy that has been



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developed in the Education Directorate.

We are working, as Beth has said, to continually embed elements—the elements that I talked about at the outset of cultural integrity through all of our work, and that means that it is part of the work that we have done—and we have been progressively making amendments to the Education Act. We are also—Beth also mentioned our commitment to cultural integrity process which is what we like to think of as the next step on from having a RAP, having a genuine whole of organisation commitment to cultural integrity which includes truth telling, reflection, on all of our processes.

**MR WALKER:** Can you give us an example of the amendments?

**Ms Haire:** So, we have not made specific amendments in relation to Aboriginal and Torres Strait Islander people, but in all of the work that we have done, so we have amend—I might have to invite Ms Efthymiades to help refresh my memory, but we have—we are in the process, I think we are at stage four of making amendments in tranches to the Education Act, and all of the work that we do is informed by our cultural integrity approach and involves consultation and discussion.

**MR WALKER:** Okay.

**Ms Craddy:** If I—sorry. If I could add to that. One very practical thing we are doing and we have started as part of phase two is that the consultation of all outdated policies and procedures will go through some sort of consultation, hopefully through DG meetings with the elected body for a start. If it requires further consultation we will set up those processes.

The other thing we are doing is a scan of everything at the moment, looking for discriminatory language, underlying values that are discriminatory, looking at unconscious bias that is sitting inside all of these documents, and that is where our team in particular comes in because there are 20 staff members in one group that can start to do a lot of that work, and then we go through with the DG and the elected body looking at some of those.

**MR WALKER:** All right. We might take a short break and then come back after. So we will see you back at 11.

**Ms Haire:** Thank you.

**Ms Craddy:** Thank you.

**MR WALKER:** Thank you.

**Short suspension.**

**MR WALKER:** All right, thank you, guys. We have got an hour and a half together so we will try and—I want to get to these first questions as quick as we can because there are some community questions I can put on the table given that we went out to community to get the questions as well.



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The next subject I guess is about racism. How is ACT Education supportive of Aboriginal and Torres Strait Islander employees across the ACT Public Service to reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander people within government system and to do that by 80 per cent by 2028?

**Ms Haire:** Sorry, Member Walker, so that is how do we support—how do we work to reduce racism for our employees?

**MR WALKER:** Yes.

**Ms Haire:** So I will invite Mr Daniel Ackland, who is our Executive Branch Manager for People and Performance and Mr Matthews, who you have already met. Daniel, you will have to do the acknowledgement—witness statement.

**Mr Ackland:** Good morning, Chair, Deputy Chair and Members. My name is Daniel Ackland, I am the Executive Branch Manager of People and Performance and I acknowledge the privilege statement. Thank you for the question, Member Walker.

So, I will have to take on notice the how, but I just wanted to give some specifics around some data on instances of racism and how the Education Directorate has reduced the numbers. In comparison to the staff survey in 2021 at which point 1.2 per cent of respondents outlined that they had experienced discrimination based on race. In the most recent staff survey conducted in 2023 that number had reduced to 0.8 per cent of the 606 respondents.

**MR WALKER:** Yeah, the question was, how has the ACT Education supported Aboriginal and Torres Strait Islander employees to reduce those experiences.

**Mr Matthews:** Member Walker, I will just make a couple of quick points, just sort of dot point them through. So, as Ms Haire mentioned, really in cultural integrity is the heart of what we do. In addition to that it is around the support we provide our current staff. So obviously the staff network in the Education Directorate is a key support mechanism as well as all of the other employee support services we offer.

In addition we are developing an Aboriginal and Torres Strait Islander employment action plan, and obviously that focusses on attracting staff but also retention, and I think that is a really key part of that plan that we have been putting together. That we acknowledge that we want to retain our existing staff and we want to be an employer of choice that is about making sure that staff feel fully accepted by the directorate, that they can bring their culture as well as their other skills to their jobs, and so we want to roll out that plan including those additional initiatives for existing staff as well as the attraction and retention initiatives that are in that plan that is currently in draft and we are consulting of.

**MR WALKER:** Thank you. Daniel, you have quoted some numbers there, so how many incidents of racism are generally reported within the directorate each year? How are they reported and how does the directorate address the racism I will guess, and obviously, and David, I think the answer—the how does the directorate address incidents of racism and how do they prevent it in future I guess, depending on the roll-out of the cultural integrity framework, yeah?

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**Mr Matthews:** Member Walker, just there will probably be different people to answer different parts of that question, so from the staff perspective and then there of course from the community perspective, we obviously want to make sure that we address racism in our workplaces and in our schools every day, so the initiatives will be different depending on whether we are talking about staff or the general community. Yes.

**MR WALKER:** All right.

**Mr Ackland:** Yes, so specific to individual staff members, Member Walker, so, individual cases can be reported through to the People and Performance team and that is subject to an investigation as part of the employment policies. The numbers I referenced earlier, that was through responses, the 606 respondents to the all staff survey that was conducted in earlier 2023, so from an internal metric perspective that is the number that we use to measure instances of racism.

**MR WALKER:** So, how many incidents of racism are generally reported?

**Mr Ackland:** Yes, so that number is 0.8 per cent for the survey period, yes.

**MR WALKER:** Yeah, but in the 600 and?

**Mr Ackland:** Of the 606 respondents, so that is correct.

**MR WALKER:** Yeah, that is okay. Yeah, and so Dave, you were talking about the prevention and addressing those incidents of racism and what you do to prevent it in the future.

**Mr Matthews:** Yes, Member Walker. So obviously we want to prevent racism. We acknowledge that racism exists in the community and in our organisation. It is just a fact and so we start with that level of honesty and that level of acceptance that there is active work to do, and we need to make sure that from a leadership perspective with the new organisation that we are signalling to our staff or organisation that we do not accept racism, and that we think it should be addressed and also prevented.

So, in addition to having those mechanisms that Mr Ackland talked about, we have got things like the Respect Equity and Diversity Framework and other measures, but really it is about building a culture where we can acknowledge our history as a country, our history as an organisation and all of the things that each of us bring to our roles in our organisations. That is really, again, the work that was referred to earlier as well about the directorate's cultural integrity commitment.

**MR WALKER:** Thank you. We will move to workforce now, Katy.

**Ms Haire:** I might ask these two to stay here then.

**MR WALKER:** We understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as a part of improving services to community. There continue to be concerns raised across the community that some staff are not recognised or accepted or connected to our local community.

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Some of the questions under that is, how do you ensure these people meet the definition of being Aboriginal and Torres Strait Islander person and how do you make sure that they have the lived experience connection with the community that is critical to their ability to engage and deliver outcomes to the Aboriginal and Torres Strait Islander community?

**Ms Haire:** So, I will ask Mr Ackland to answer that first question, Member Walker.

**Mr Ackland:** Yes, so sorry, can you just repeat this, Mr Walker? It was quite long.

**MR WALKER:** Yes. I, just for a day of Daniel, I do not want you to be left—feel left out, mate. How do you ensure these people meet the definition of being Aboriginal and Torres Strait Islander person and how do you make sure that they have the lived experience connection with the community that is critical to their ability to engage and deliver outcomes to the Aboriginal and Torres Strait Islander community?

**Mr Ackland:** Yes, so I think in short the answer is that when employees are new to the Education Directorate, as part of that on-boarding process there is the ability to self-identify as Aboriginal and Torres Strait Islander person through that process. So there is no—at current there is no confirmation of Aboriginality through that process, it is a self-identification.

**MR WALKER:** Okay. Thank you. Do you want to add anything to that?

**Mr Matthews:** No, Member Walker. Obviously for any designated roles or identified position there would be an additional requirement to show cultural connection in order to qualify for any identified roles.

**MR WALKER:** Thank you.

**MS CHIVERS:** Can I just ask how you ask people to show cultural connection?

**Mr Ackland:** It is on the pre-on-boarding checklist through the self-disclosure statement that the prospective employee has met the minimum requirements, there is a confirmation of Aboriginality process, all open to—

**MR WALKER:** Thank you.

**MS MCGRADY:** Could I just have a comment, Member Walker, is that okay?

**MR WALKER:** Yeah, go—a comment or a question?

**MS MCGRADY:** Well, a question.

**MR WALKER:** If it is going to be a question, it would be good. Not a comment.

**MS MCGRADY:** I will do my best. The legal definition of Aboriginality is three points. You have to identify, recognised in your community as such and also be a member, a blood member—of the Aboriginal and Torres Strait Islander race. So I think

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that is really, really important and that is really importantly integral to why we ask these questions because there is a strong purpose behind it. So, you know, just bringing that to the table of what the definition we understand it to be as well. That was a comment, sorry, I do not—

**THE CHAIR:** Can I just add something to that question or comment, whatever Paula described it as?

**MR WALKER:** Yes.

**THE CHAIR:** when you are talking about cultural integrity—I am jumping ahead a bit and I am just going to waffle now—when—I will be a split minute—when we talk about cultural integrity and you got the teachers in it, that is the first, that is trained in cultural integrity, I hope that is what we are talking about here when we are talking about how are they—when you talk about how—and I do not know, I might be just jumping ahead or jumping, jumping off, but there seemed to be so much talk in community from parents in there concerned about they feel that the cultural integrity is doing in the schools when the teachers are trying to be their first point of call, knowing that they are all not Indigenous teachers.

So when we are talking about cultural competency and this, how would you say it, like the workforce, are we talking about them teachers as well, like them teachers, are they not—are they—they are not identified in community, so why are we giving so much responsibility of cultural integrity to non-Indigenous teachers that is the first point of call, and feedback from the families in community is that is not working anyway? Was it a lack of funding that the ALOs were pulled out of there or what was it? I just think when we are talking about the workforce and we are talking about—and I might be, I do not know, I might be just off because this is really close to my heart with the cultural integrity, but when we are talking about the definition of Aboriginal staff at lived experience and connection with the community, to support Aboriginal students, David, would that not be where it first starts there with them, because they are all non-Indigenous teachers and is that not an extra workload for them? Would it not just be easier to put the ALOs back in the schools so it will be first practice?

Because racism is high on the agenda in schools, and one school in particular, their racism policy is based on bullying, so how does that work? I do not know, I just—I am just sitting here thinking, and we are talking about cultural integrity, which there is a lot of talk in the community that it is not working for our kids, and I hear it all the time. I get mothers on the phone, families on the phone. They say, listen, this is not working, our kids are not approaching these. There are a lot of families not accounted for and families are moving around the schools, and I do not know if you have got data for that but I would like to see the data about the Aboriginal kids that move schools in the last whatever. But is that what we are looking for or am I out of—am I?

**Ms Haire:** So, Chair, I think there is probably a couple of different—a lot of important points in what you are covering. I think what we are talking about at the moment is the process through which we employ Aboriginal staff, and I think the question was how do—

**THE CHAIR:** Yeah, but these non-Indigenous staff are holding our cultural integrity

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program. They are our point of call. So how much—

**MR WALKER:** Yes, but that is the next part of that.

**THE CHAIR:** But—I know that but when we are talking about employment, we also are talking about Aboriginal staff, but yet these non-Indigenous teachers are sitting there holding this cultural integrity program, project or whatever Beth wants to call it, or whatever you call it, but they are holding that for our kids, if that makes sense. So how connected are they to community, how connected are they to all our—what we are talking about with cultural competency, cultural awareness, there is a difference in all of that, so.

**Ms Haire:** In terms of how we support and train our teaching staff and leaders in cultural integrity, we have talked a little bit about that in the symposium that I talked about at the beginning was an example of that, but really happy to come back to that or talk about it now if you like. Or—or if we—

**THE CHAIR:** No, I would not on all the cultural integrity, I just—yeah, I am just talking about that, yeah, workforce stuff, yeah.

**Ms Haire:** —if you would like to continue just talking about the workforce matters I think Mr Matthews can pick that up.

**MR WALKER:** Yes, because I have got a few more questions in relation to the—

**THE CHAIR:** Yeah.

**MR WALKER:** —employment of Aboriginal and Torres Strait Islander people in education.

**Ms Haire:** Yes.

**MR WALKER:** So, thank you for the first part of that question, David and Daniel. The next couple of questions are, how do you track compliance with the process, and how do you ensure that the advice that is given is culturally appropriate?

**MS CHIVERS:** There you go.

**Mr Matthews:** The—just for clarity, Member Walker, with the employment process generally or with the work of staff once they are employed?

**MR WALKER:** Employment of Aboriginal and Torres Strait Islander people. I mean I guess if you are checking with the first question around how do you—looking at a definition and obviously people meeting that definition, how do you—I mean you talk about the Aboriginality form and self-identity, is there any other mechanism used to do that?

**Mr Matthews:** Mr Ackland, you described it, yes, it is self-identification generally and then if there are identified roles we have briefly covered that. If it assists the body, we can give some stats and figures around staffing if that is where you would like us to go

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to as well, and I think what that will show is, that going back to Mrs Keed's comments, we want to do cultural integrity which is everybody's responsibility, and we want to employ more Aboriginal and Torres Strait Islander staff. It is both of these things that we need to do in order to make sure that the experience of Aboriginal and Torres Strait Islander children is the best that we can possibly make it.

So we are committed to increasing our staffing numbers and we have increased our staffing numbers. Mr Ackland can talk about the most recent numbers but I know the elected body has not had these hearings since 2020, so I can say that our head count has gone up by 40 since the—

**THE CHAIR:** Are they in schools or are they in your department?

**Mr Matthews:** This is across the directorate altogether, but what I can say is that 40 additional staff since 2019 of which 34 are permanent, so the other thing that we have been trying to do is to make more jobs permanent rather than temporary or casual which is—

**THE CHAIR:** How many of them sits in schools, David?

**Mr Matthews:** So, I can say out of those there have been 23 administrative officers, one executive officer, two school leaders, three senior officers and 11 teachers. So that is the breakdown of the additional staff that have been employed over that period, and Mr Ackland can talk about current numbers as well if that would be of assistance.

**MS CHIVERS:** I think the issue though from community is just because someone identifies as being Aboriginal or Torres Strait Islander that does not mean that they are connected to community, and so that that is the real concern that our community have, is that, you know, that directorates mention, yes, we have got more Indigenous staff and that they self-identify, but the real issue for community is the fact that, yes they may self-identify but they have no connection to community. You know, which, I think is what comes back to what Member Walker also asked about, well, you know, what—how do you then know what they are saying to you is actually culturally appropriate as well.

**Mr Matthews:** I have just—Ms Chivers, I acknowledge that concern, I appreciate that feedback from the community, that the community is looking for a connection and a relationship, and often points of contact within our schools that they can reach out and connect with as well, so I want to just acknowledge that.

Yes, we do not obviously ask the Aboriginal and Torres Strait Islander staff to do extra things beyond their job, and one of the significant bits of feedback we have got from the staff network is the extra cultural load. You know about that, I am certainly not going to talk to you collectively about that, but that is one of the strong bits of feedback that we have had from our Aboriginal and Torres Strait Islander staff. That is that they want to be able to do their job and do their job well and progress their career.

Of course in different ways they have got family and community connections and they use those, but they are also conscious about those extra responsibilities and we have sought to better understand that and recognise in the way that we support those staff,



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but I definitely understand the issue that you have raised.

**MR WALKER:** Thank you. Thanks, David. When designing roles, what are the requirements for specifying as identified or special measure roles?

**Ms Haire:** So, Member Walker, I think you are asking us how do we decide if something is a designated role. I will pass to Mr Ackland for that because that is his area of expertise. If we do not have the detail on that we might need to take that one on notice, Member Walker. We do have a number of designated roles, as you are aware. I have not got the information with me, I am not sure if Mr Ackland does.

**Mr Ackland:** I do not have the specific details, but what I can say is that as part of the employment action plan that Mr Matthews referenced before, that is currently out for consultation with the elected body. There are some prospective targets and initiatives in there that are talking about how our panels actually go through the process to work out whether or not that role does meet criteria for the identification of that role.

**MR WALKER:** Thank you. If you can supply that out of—what do you call it—out of on notice, thanks.

**Mr Ackland:** Yes.

**MR WALKER:** So how many Aboriginal and Torres Strait Islander people are working on projects or programs that are not specifically for the Aboriginal and Torres Strait Islander community?

**Ms Haire:** Member Walker, I am not sure that we would have that information. We have, as you know, Mr Matthews and Mr Ackland have given you the numbers of Aboriginal people, 159 across the directorate. Certainly I know I can say a number of those people are working on matters that are not related to the Aboriginal and Torres Strait Islander programs of work or cultural integrity, and a number of them are, but I am not sure whether—

**MR WALKER:** So that is something you can supply out of session? Find those, yes?

**Ms Haire:** We will look into whether we can supply that or not. It might be down to the level of identifying individuals, so if we can maybe come back to you on that, Member Walker.

**MR WALKER:** Thank you. On recruitment panels, has there been an Aboriginal and Torres Strait Islander person where appropriate independent of government been part of the panel to help with assessments, is that, or you just do that internally?

**Mr Matthews:** I am not—Member Walker, I think that would vary depending on the recruitment, but I think you would be accurate in saying generally recruitment panels are internal to government. They normally involve people from the relevant area and normally another person within government outside of that area.

**MR WALKER:** Are Aboriginal and Torres Strait Islander people invited onto those panels on occasions?



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**Mr Matthews:** I think they would be where that is required, but I think again it goes back to that question as well of we want that level of involvement and participation but also that extra load that comes with the involvement in those different recruitments, so absolutely it would occur in jobs specifically that are focussed in those areas.

**MR WALKER:** Thank you. I have got one more question on under workforce. How is the directorate addressing engaging children with disabilities in the mainstream and ensuring that they are appropriate supports?

**Ms Haire:** Member Walker, Aboriginal children with disabilities?

**MR WALKER:** Yes.

**Ms Haire:** Yes. I will invite Ms Spence to come up and talk about that. We are obviously very conscious that the—we take a strengths-based approach to education, we look at the strengths that children and young people bring and that their families bring, but we also have a focus on equity and identifying where additional support is needed and that is both through the funding and so the loadings for Aboriginal and Torres Strait Islander students as well as we have a funding for students with disabilities, and we also have additional programs for children with disabilities both in our local schools and also in our four specialist schools. I will ask Ms Spence to speak about how that relates specifically to Aboriginal and Torres Strait Islander children with disabilities.

**Ms Spence:** Thank you. Thank you, Member Walker. The ACT Education Directorate of course has an eligibility criteria for all students, including Aboriginal and Torres Strait Islander students, that we use to assess the eligibility for the different programs that Katy just talked about. As part of that process I guess is around the identification but then working through specific assessments that are required so that we can get the information needed to support the strategies in the classroom. A part of that assessment process often relies on our assessment team that we have available to conduct those assessments for our Aboriginal and Torres Strait Islander students, and other students of course, that require assessments, but also working with Community Service Directorate to support any assessments that are required for young people as part of our inclusion support program.

There are a number of disabilities that do not necessarily fall within a unique disability program with eligibility criteria, and of course we do put supports in place in school for those young people that have—that require additional supports and that is supported again through our school-based psychology service as well as other allied health professionals that are required to support things, for example, in occupational therapy, speech therapy, they will go into our schools as part of the allied health service and provide those individual supports as required for those students in our schools.

**Ms Haire:** Member Walker, the vehicle through which we do this is called an individual learning plan which is what every child who has a disability—is we then develop an individual learning plan which is constructed in consultation with their family. Depending on time, if you would like, we do have a current ACT school principal in the room, along with a number of former ones, who could talk to you specifically about

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how in the individual instance, not identifying anyone, but how that individual learning plan covers the entire—identifies the support that the child needs including when that child is Aboriginal or Torres Strait Islander, or—

**MS BOOTH:** Can I just ask a question, because we have a few people that have had kids with autism and non-verbal autism that have joined into mainstream through preschool and have been expelled from preschool on numerous occasions. So how is that supporting the young child attend these schools, and there was no support network sitting there for that child, so it was just the child with the school and no support system sitting in—at the schools, and this is on a few occasions with our Indigenous kids.

**Ms Haire:** I cannot comment on the individual cases, Ms Booth, but we are very happy to talk about things like that separately if you would like. We have got a new suspensions approach, this is one of the amendments to the Education Act that happened last year and came into effect this year, which is very much focussed on that a suspension is not a punishment for a child and that suspensions have to be—in the first instance there has to be consultation and engagement with the family, and that the purpose of a suspension is only ever for the safety or for the learning needs of that child. We are really—I am really happy to talk to you or to Member Walker—

**MS BOOTH:** I think when you are saying that, then we have those children that are attending school on special needs programs and they are getting expelled, suspended, that is the problem that the community is having right now.

**Ms Haire:** Yes. I should just add, I am sorry if I—we—there is no—no child is ever expelled from an ACT public school and we have made some very significant changes to how suspension works this year, and we are very conscious that in the old world—

**MS BOOTH:** This is happening this year. I am talking about stuff that is happening this year.

**Ms Haire:** Perhaps that is something we can talk with you about separately. If you have got some concerns about some particular instances, we are really happy to talk about that, but I will say as a policy suspension is not—it is never okay to—the purpose of a suspension is for the safety of the children or for their learning needs, not as a punishment—

**MS BOOTH:** I think my problem is not so much with the suspension as what is the support network for the child with a disability and why has that not been addressed.

**Ms Haire:** Yes. Very happy to take that up individually. As we have talked about, there is a whole structure including the individual learning plan, and we are always as—always open to that.

**MR WALKER:** Thank you.

**MS CHIVERS:** Can I actually ask, though, if we could have something for the Hansard record, because that is a question that has actually come from community? They have, you know, wanted us to ask, and so it is very important that we actually have a response they—not at a, like a, you know, that Member Walker could discuss that with you as

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the portfolio holder for education, but it is very important as part of this process that you do respond to our questions that have come from community?

**Ms Haire:** Apologies Member Chivers, I was not wanting to avoid the question, I take it very, very seriously, I am just—obviously of course we are all conscious that we do not want to identify individual families or people here, but very happy to provide—we—Ms Spence can talk through in more detail how the suspension process works and also the individual learning plan process, which she has already discussed. Or we can provide that to you in writing for the Hansard.

**MS CHIVERS:** Can I also ask though that in that response though, because the question is specifically around children with disability, that rather than focussing on children in general that the response is specifically in relation to children with a disability?

**Ms Haire:** Absolutely. Yes.

**MR WALKER:** Thank you. Cultural competency. How does the ACT train and ensure the cultural competency of ACT employees? I mean the cultural integrity framework is the vehicle that you use, you have mentioned that before.

**Ms Haire:** Yes. So I can ask Ms Spence to talk to you about—so I guess there is two bits to this that we might go to. Firstly, the professional learning, training and development for our staff in schools around cultural integrity, and then in addition to that and closely connected to that is the work that we are doing on our commitment to cultural integrity for our whole organisations, and for all of our staff, which will also involve ongoing support.

I think, perhaps, Member Walker, where you want to start is what is the professional support for staff in schools for cultural integrity?

**MR WALKER:** That would be great, thank you.

**Ms Spence:** Thank you, Member Walker. The probably first one that I would like to share with you is that all of our new educators and new teaching staff to the Education Directorate undergo one-day training in cultural integrity as they enter the system, and this is delivered by our team in the education support officer, so that we are in a position—any new members that come into our particular service in the teaching area are supported in delivering that cultural integrity framework.

We also have a suite of other professional learning opportunities available in cultural integrity for other members of the Education Directorate. Teaching staff that already are employed, but also our learning support assistance, our education support office staff are in cultural integrity as well. We also have other opportunities for professional learning, and I know Katy shared with you the wonderful symposium that we had on Friday, but we do have other professional learning opportunities that are available to our staff.

We have talked briefly before about Ngunnawal language training available to our staff. We have talked about expert people from community that we get to engage in various

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professional learning opportunities, on Country training opportunities. So, there is a variety of professional learning available across the directorate.

Our schools also play a significant role in supporting their staff and providing opportunities to build cultural competency in a school setting, and they make those decisions around how they support that. They are provided with funds to support the upskilling of their staff in cultural integrity, and so they will make decisions around how they do that in school settings.

I know that we often engage with Ngunnawal elders to support events, which is a really important opportunity, I guess, in our schools, so that they share the knowledge of Country in the way that we celebrate various events in schools, but also engage with experts to support that. If you would like some more examples, I know that Ms Merryn O’dea, current principal in our system, has specific examples of how she does that in her school setting as well. Is that something—

**MR WALKER:** Thank you.

**MS CHIVERS:** Can I just ask though, yes it is important that you do engage with Ngunnawal elders and members of the Ngunnawal community but given that the current ACT indigenous population is about nine and a half thousand Aboriginal and Torres Strait Islander people, the majority of us are not actually from this area. How do you actually engage with other members of the Aboriginal and Torres Strait Islander community, given that the majority of the children who are at school are not actually Ngunnawal, and that culture is actually more broader than just the culture of the Country that we are located on.

**Ms Spence:** Yes, that is a really good question, and I think maybe, if it is okay, I will hand to Merryn O’dea, current principal, because she has actually probably got some really good examples of how we do this in our schools. I will hand to Merryn.

**Ms O’dea:** Hello Chair, Deputy Chair, other Members. I acknowledge the privilege statement. I have a few examples of my work across different schools. Currently I am principal at Lyneham Primary School, where we were very lucky to have an Aboriginal woman, a Wiradjuri woman, Kalara Gilbert as part of our school community working as an LSA in the school for a long time, with deep connection to community.

When she moved on to another role, we were able to maintain that relationship through Kalara’s engagement as our community member on our school board. So still having that consultation and involvement in the school with all our cultural integrity programs. As a Wiradjuri woman, she then—an artist, took our new school plan, our five year vision, and created an artistic representation of that story, of where we are going as a school, and our next stage is, once the weather allows us to paint on the concrete, the front entry of our school will have a mural telling that story, created with our students.

In a previous school, I had a staff member who was on the Dhungatti Nation. So learning her story and connection, and I think that is something probably through the cultural competence training—

**THE CHAIR:** Can we just go back a minute. What nation did you say?

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**Ms O'dea:** Dhungatti.

**MR WALKER:** Dhungatti.

**Ms O'dea:** Dhungatti, sorry. My apologies. But learning her story and also supporting her as she learnt more of her own story to bring to our workplace. And I think for me, over the past five, six years of engaging with the cultural competence training, really the big change in our practice is engaging with our staff and our families about their stories, and trying to make sure that shapes what we are doing in the school.

With our current rollout of working towards version 9 of the Australian curriculum, there is the cross-curriculum perspective but also specific content around Aboriginal and Torres Strait Islander histories and cultures, and we are being very deliberate in making sure that the scope of what kids learn from kindy all the way up is teaching cultural diversity, looking at different parts of Australia, not always looking at stereotypes either, making sure we have strong contemporary teaching, and where possible engaging with members of our school community, Ngunnawal community, and the wider community to make sure we are bringing authentic learning for our students.

**MR WALKER:** Thank you, Merryn. Katy, how many of your mainstream positions require cultural competency?

**Ms Haire:** Member Walker, I think I will have to ask Mr Ackland to confirm this for me, but he can just give me a wink from over there. Cultural integrity and a commitment to cultural integrity is part of what we require of all our teachers, and as a result we then have that program of professional learning and development has given you. She has just given you a snippet of it, and then there is also the work that happens in the individual schools, but that is a requirement, and it is, as I know you are aware, Member Walker, and it is a great chance for us to share with the rest of your colleagues.

Cultural integrity is embedded in our strategic plan and in our action plan as a fundamental element of what everybody in the directorate does.

**MR WALKER:** Thank you. Do you evaluate the performance of those positions based on understanding and achievement of outcomes for Aboriginal and Torres Strait Islander community?

**Ms Haire:** So all of our positions have a requirement for cultural integrity, and in performance conversations as relevant to people's job, that is part of what is discussed. And I know that that is one of the things that we have talked previously with you about, which is how we build that into how we work with principals, and it is part of how each of our principals, and Merryn might be able to give an example as well, when they are working with the supervisor, the commitment to cultural integrity is very much how their performance is assessed and supported. If that is helpful, Member Walker, because I know that is something we have talked about over the years.

**MR WALKER:** Yes.

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**Ms O’dea:** We rely, in our school, on the framework for cultural integrity in making sure that our school plans are rich and strong, and certainly having just been through the school review process last year and creating a new plan using the self-assessment tool with our leadership team in the school, and then the areas of the cultural integrity plan allowed us to ensure that we embedded in all of our goals: cultural integrity learning for students and the creation of that environment for individuals and the broader community in the school.

**MR WALKER:** What I am going to suggest, Madam Chair, is that priority reform 4 is about indigenous data and sovereignty, so I am going to ask if you can take that question on notice because I would really like to get the community questions and given that we have only got 45 minutes.

**THE CHAIR:** We have got a lot of community questions coming in.

**MR WALKER:** A lot of community questions. So one of the questions that I am going to start with is, we are getting a lot of messages right now from community, including leaders, telling us the evidence provided is not what is happening on the ground. We are concerned that the directorate is not listening to the parents and community organisations on their experiences of the system, or understanding when it is not working. How can this be fixed?

I think—I will not answer that. One of the fixes is the AECG. That is probably the one that is looking straight in your face, I suppose, because that is where some of our former members of that group and or community are saying that they are not having input into their local schools, so maybe that is where we can look to focus.

But are there any other ideas from you guys about how we can manage that process in getting families—because the conversation that we have been having at our meetings is around the connection between liaison officers and the community, and not losing that focus, because of the relationship between the Aboriginal working in education and families, and that connection with their children.

So we can obviously look at strengthening that process as well, and I think we have talked long enough that I think we have got that idea firmly put into that process of where we want to improve that. Other than those two ideas, is there anything else that we can be talking about?

**THE CHAIR:** We got a fair few of community questions when you are finished, too.

**MR WALKER:** Yes. As soon as they answer this one, I will start on the community questions.

**Ms Haire:** So I do want to start by saying, Member Walker, that as you know we take that incredibly seriously, to hear from you, or when the Chair was our representative, I believe you know that we always take those concerns that we hear from community very, very seriously. It is a fundamental part of our work, and our commitment, and really the moral purpose that brings people to work in education that we believe, passionately, in ensuring the better outcomes for Aboriginal and Torres Strait Islander children and working with their families.



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That is fundamental to what we do, so I take that very, very seriously, the points that you are raising. The way the structures work is that our goal is to make every single one of our schools a culturally safe, culturally competent, culturally inclusive place and that—

**THE CHAIR:** When you are talking about community, it is okay, but that is the last thing they want to hear is what is up there. What they are asking for now is, “We are concerned that the directorate is not listening to parents and community.” Always, you have been coming from a service delivery. We need to make sure that this is grassroots, this is community. These are mothers, these parents are putting their kids education in your hands. What they want to know is the experience of system, understanding when it is not working.

How can you fix it? I mean, you are sitting here, all your team got up and explained about the system, but the question seems to be going back up there again. And this is community, and these are from leaders, so we need to know exactly. Does the question need to be asked again, or are you—

**Ms Haire:** No. Apologies, Ms Keed, if I was taking too long to get to the point. The starting point for any community member or family member with concerns about their child’s school is the leadership of that school, and our intention is that every family has the opportunity, and that our schools have got the cultural competency and cultural integrity to hear from families.

**THE CHAIR:** There is no Aboriginal liaison officer there any more, either Katy.

**Ms Haire:** We also have a number of other processes, but in the first instance going to the schools is the first place, and that is what we would hope would happen. But we are also, in the directorate, where a family is concerned that they have not been heard in the school, we have got processes for a family to then come through o the directorate, through our complaints process, and as you know, there is also other avenues that we make sure that everybody is well-aware of, including through to the Human Right Commission.

But that is the last thing that we want to happen. What we want to be able to do is address the concerns of families as close as possible to the school, and to the family and the community.

**THE CHAIR:** Well, Namadgi is an example for not responding to parents on this issue. So that is one that was identified, and the LSOs are supporting teachers. Who is supporting the kids? So there are communities starting to see an issue with it now, and they are starting to speak up. Yes. It will be interesting.

**MS MCGRADY:** So how is the cultural competency acquired? How much of the training is online? I think they are the big questions to ask as well. As opposed to doing cultural awareness online, how productive would it be to cultural awareness from community, from people in community that can—

**Ms Haire:** Deputy Chair, the training and support and professional learning that Ms



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Spence has gone through, we do not do that online. We absolutely agree with you that it needs to be done in person and could not agree more.

**MS MCGRADY:** Thank you.

**Ms Spence:** And I think one of the other aspects, if I can add to this, that might be answering that question is around the Engoori training that we do across our schools to really support the cultural competency. So we have our cultural integrity training, but we also have Engoori training, which is about the relation—

**THE CHAIR:** To support the teachers?

**Ms Spence:** And the school leaders, and actually we do it in ESO as well. But it actually is one of the mechanisms, and that again is a face to face learning opportunity to build that cultural competency that we are talking about.

**MS MCGRADY:** Yes. Does that flow onto the Aboriginal education workers to continue delivering the same message? So is the message continually from Aboriginal or Torres Strait Islander voice? That is probably a question I am throwing out there as well.

**Ms Spence:** Sorry, in terms of the Engoori training and the cultural integrity training?

**MS MCGRADY:** Does that responsibility then fall onto the non-indigenous teachers to teach cultural elements of what they have learned in Engoori, is that voice still going to be the Aboriginal voice that carries through the education system for the cultural integrity of the message, is what I am saying? Am I making sense?

**Ms Spence:** Yes. So our indigenous education officers that are located in some of our schools support our schools in delivering the message, you know, to support that, because they all undergo the same layers of training. Our education support office Aboriginal and Torres Strait Islander team, can also support our schools in that work, but probably because of the scale—90 schools in the system and many teachers—all of our teaches have a responsibility to support, I guess, the cultural integrity in our system.

It is a shared responsibility. Obviously there will be different levels of expertise and how to do that, but that is the role of our indigenous education officers, our Aboriginal and Torres Strait Islander team more broadly is to help in those situations where people may require extra support as needed.

**MS MCGRADY:** Thank you.

**MR WALKER:** Beth, before you—you are going to burst out with some really good information, I can tell. Can you just let us know how many Aboriginal liaison officers we have, and if there is any vacancies as well.

**Ms Spence:** Sorry, correction. Indigenous education officers, they are not liaisons.

**MR WALKER:** IEOs, sorry. I never can get the acronym right.

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**Ms Spence:** So we actually are funding for 16 indigenous education officers. Currently we have 12. The number does fluctuate, however, as some of the people in those positions, which is wonderful, because it is an entry-level position as an indigenous education officer, get other career opportunities that we really support. So a lot of them do go on, and some of them are represented in our allied health team as part of our youth worker initiative.

So that is the current status, but as I said, it does fluctuate. There is variability in terms of those positions because of varying degrees, one of which is opportunities beyond that.

**MR WALKER:** Thank you. Beth?

**Ms Craddy:** And then we have also got the four cultural integrity position, but at this point in time, because of staff movement, we have two.

**THE CHAIR:** Can I just ask a question. Is that just to support the staff, not the students?

**Ms Craddy:** Yes. There is the connection there, where they are working with the school to build the relationships with families. So it is not that it is not part of their role. The main function though, is that if the work is done properly at the school and then there is no indigenous education officer in there, that the school is still culturally responsive, culturally safe, because with 91 schools—92, whatever, some number like that—we do not have that number of staff.

If I go back to your point about the Engoori training, that has come from Mithaka man Scott Gorrige, it has been around for a long time. It is about changing workplace culture, organisation culture, so it is fundamental to that cultural change. Nearly all, except for the new ones, of our CICs, cultural integrity coordinators, IEOs and office-based staff have done the facilitator training. So we have been able to expand that across the board.

And fundamentally to that, it is probably a forerunner to cultural competency because it is about challenging your assumptions, looking at unconscious bias, all those things that people need to strip away to be able to see all cultures and the richness thereof. If we talk about families having more of a voice at school level, I do take your point about a representative body. I hope we can get that happening soon.

**MS MCGRADY:** Just on that, the best educators you have are those parents of those children.

**Ms Craddy:** Yes. As a Ma, and a Grandma, I understand all of that completely, and I think there is other things there—

**THE CHAIR:** But there still seems to be a gap, Beth.

**Ms Craddy:** Sorry?

**THE CHAIR:** You know, we know. There still seems to be a gap though.

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**Ms Craddy:** Yes.

**THE CHAIR:** Listen to the community. There needs to be—I mean, we listen to you hear, and community is talking, and is talking about what you are doing, but there is still that gap, and you just identified it.

**Ms Craddy:** Yes. And so hopefully we can do more work in that space. The other thing is, in a more formal way, is school board training for Aboriginal and Torres Strait Islander training, and also that involved being able to be involved actively in the PNCs, which gives you two governance structures to be involved at the school level?

**THE CHAIR:** Why do they have to be involved with the PC to have their voices heard?

**Ms Craddy:** Sorry?

**THE CHAIR:** Why do they have to be trained, put on boards, and placed on PC? Remember that, as were back then. That was supposed to be a voice, until it was not. They soon cut it. What was it?

**MR WALKER:** ASPA.

**Ms Craddy:** That was decades ago.

**THE CHAIR:** Why do we have to go on boards or go on the PC—I mean, I know it is a good thing—for our voices to be heard? And this is another long process that is going to take place as well, when the community is taking now and are asking.

**Ms Craddy:** ASPA committees were again, federally funding. PNCs and school boards are a local issue.

**THE CHAIR:** It is a commitment to the agreement to, just as a reminder.

**MR WALKER:** Thank you, Beth. Appreciate that. We have got a lot of questions, and some of these things might come up later on as well, Katy, but I would like to go on to early childhood. There are, obviously, currently five Koori Preschools operating within the ACT. Some of the questions of community are, are all spaces available being filled, if not, why not? I will go with that one question first.

**Ms Haire:** Thank you, Member Walker. Ms Deb Efthymiades is coming to join me, and as I really appreciate, in the Chair's opening she recognised the importance of Koori Preschool, and the fact that we are expanding that. We have it in five sites, and we are expanding additional sessions at three of those sites next year, and I think it is one of the things that the ACT community can feel really proud of because this is something that has been around for 30 years.

You know, early childhood is the flavour of the month everywhere at the moment, as it should be, but actually here in the ACT we have had this extraordinary service for Aboriginal and Torres Strait Islander preschool children for 30 years, and it came from the community, and I think it is a really great thing. We are really proud to be continuing that, and to be expanding it next year, and I will ask Ms Efthymiades to answer your

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question on it.

**Ms Efthymiades:** Thanks. Deb Efthymiades, Deputy Director-General, System Policy and Reform, and I acknowledge the privileges statement, which I have read several times. Member Walker, the Koori Pre, as Ms Haire has just indicated, is in an expansion phase. So that was a commitment under the government's three role preschool initiative to increase extra places for Koori Pre, which are eligible for three and four year olds.

The current numbers in those five sessions, the formula is nationally required formula of 22 children per session for the two adults that are in there, and the uptake is in the 90s. It moves around a little bit, but it has been in the 90s for the last couple of years out of 110 available places. So with the three extra sessions, that will allow up to 176 places and we are hopeful we will get quite an uplift because three year old preschool is becoming a big conversation and was a very big budget announcement that we are really excited about.

So through that we will be able to uplift the Koori Pre specific expansion as well as the universal access expansion for all three year olds. So they are the numbers. Were there any other numbers you were after?

**MR WALKER:** No, that is it. You did mention the 100 places, and as you said, not all of those have been filled. What consideration has been given to additional Koori Preschools, what are the factors to be considered for site selection?

**Ms Efthymiades:** Sure. So we have just gone through the process. Minister Berry announced the extra sessions at the three existing sites, one north, one central, one south. So obviously geographical spread is part of it. The other thing is where are the enrolments. So the three sessions that have been expanded have higher enrolment interest and potential uptake. So that is the main thing.

We heard from community that they were keen to maintain and strengthen the current sites rather than have a new site, but in future considerations anything could be possible if there was a particular interest in a particular area. Our ears are really open in that space, for whatever is needed.

**MR WALKER:** Thank you for that. Obviously, conversation that we have been having about the possibility of, given Canberra's growth, not only for the general community but also the Aboriginal and Torres Strait Islander community with the influx of families coming in, young people growing up and obviously having families, that could be a possibility in the future. How will you manage the continuing learning for children attending preschool, Koori preschool?

**Ms Efthymiades:** So the continuity between the different phases. So one of the things that we have done—and this was actually—sorry, I omitted one of the considerations in which sites we look to expand on—was that the schools that those sites were associated with had the capacity to accommodate more children into kindy and beyond. So the kids can stay is the rule of thumb there. Community were very interested in their children being able to stay with children they had been to preschool with and continue on. So that gives us a nice transition flow. There are a few initiatives. So there is some support. There are two positions that we want the money for, but they are in community

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services, that connect up Koori preschool with the child and family centres and the child development service and make those connections for people so that they have more awareness and, you know, increasingly for three year olds.

So that is good. And then three year old to four year old transition is within the same setting, so that is helpful, and then the opportunity to go to kindergarten is the other continuity point. So there is also a supported preschool—sorry, it is preschool pathways support people that also work with particular preschools and with families around any of those key transition points, if they are not as smooth as they need to be.

**MR WALKER:** With the health checks, are they being completed at the preschool level as—

**Ms Efthymiades:** The three year old, the five year old kindy health checks.

**MR WALKER:** For health checks I mean at the five year old.

**Ms Efthymiades:** They are five year old at the moment. We are definitely in conversations about whether there can be something younger and particularly since we are uplifting the three year old preschool, but that is early conversations at the moment.

**MR WALKER:** The issue that Member Booth brought up in relation to young people with disabilities and even if they are under five, we would be interested in I guess talking to yourselves and ACT Health about providing health checks for young people who obviously register on the spectrum for autism and/or any other kind of issue that might be contributed to slow learning.

**Ms Efthymiades:** Sure.

**MR WALKER:** And so if that is a part of an extension of the health checks that could be brought into—

**Ms Efthymiades:** Yes, very happy to do that. We work together on an early years working group, so it is Community Services Directorate, Health Directorate and ourselves and so we would be very happy—we have already had some early conversations to connect you in or whoever is appropriate, Member Walker, from the elected body to get those perspectives and feed them into that thinking.

**Ms Haire:** Member Walker, that is an element of the Gagan and Young People Action Plan that we are—health is responsible for. We are involved in.

**Ms Efthymiades:** We are leaning in.

**Ms Simmons:** Jane Simmons, Deputy Director-General, and I acknowledge the privileges statement. It is 12 o'clock. Just to add to that, the kindy checks that happen in kindergarten, Winnunga also they provide those kindy checks and they provide the psychology services and I think that is what Ms Efthymiades is saying, there is an opportunity if we can bring that into the three/four pre-school but that is already happening in our kindy.

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**MR WALKER:** Have you tested—the health checks are obviously happening.

**Ms Efthymiades:** The five year olds.

**MR WALKER:** And for the first year olds. What kind of issues—one of the question is what issues or conditions are you finding?

**Ms Efthymiades:** I do not have any information on that with me. I am not sure who holds it but—

**Ms Haire:** Health has that information, and we are in the process of developing a partnership with them to share that information, and so we can take that question on notice and work with our colleagues in health on it.

**MR WALKER:** Beautiful, thank you. Student attainment, given that we have not had an elected body hearing for a few years, there are a couple of questions just to bring this thing up-to-date I guess. How many Aboriginal and Torres Strait Islander students completed year 12 in 2022, and as a comparison to 21 and 22 I guess would be good. How many, if you know, have achieved entry into universities or the VET system.

How many students completed year 12 and how many achieved entry into uni or VET?

**Ms Haire:** It is extremely convenient the way this flow of questions is going because this is also a question for Ms Efthymiades on the year 12 completion and also the post school destinations for Aboriginal and Torres Strait Islander children, and young people.

**Ms Efthymiades:** I am checking whether I have the correct data with me. I may not be able to give it to you now in which case I will not waste your time, but we can absolutely answer all of those specifics and give them to you in writing so that you have got them.

**MR WALKER:** That would be good. Just in addition to that, do you know why the census data was changed so not to be able to see students by year level anymore?

**Ms Efthymiades:** I was not aware that it is. Do you mean Aboriginal and Torres Strait Islander students?

**MR WALKER:** Yes.

**Ms Efthymiades:** It may have been around numbers but I do not know why, and it should not be so we can rectify that. The ballpark numbers for each year level across all government and non-government sectors are between 170 to 200 children and young people for year level, and then roughly 75 per cent with us in public education. So let me go back and we can make that available to you and also look at future publications, and even retrospectively amending.

**MR WALKER:** Thank you. Go on to NAPLAN. How was the directorate going to close the gap in education attainment for Aboriginal and Torres Strait Islander students. That is the first question. That is the big question I guess.



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**Ms Haire:** You should have started with that at 9.30 I think, Member Walker.

**MR WALKER:** Yes. So in the best interests of time, if I can give you that one to give us an answer on notice.

**Ms Efthymiades:** Sure. I can talk about the gap and there would be others who talk about how we are addressing that because I lead the boring data stuff, not the exciting delivery stuff. I think what is interesting, you will all be very well aware that in the latest closing the gap agreement, NAPLAN kind of became invisible in that but importantly, it is still reported in the Productivity Commission's report on government services' roles, and it is also on the ACARA website in quite a powerful way.

So we continue to monitor that and monitor it closely, and I guess a couple of headline things is that for us, because we are a city state effectively, or a city territory, we use major cities as our base comparison because it is not—you know, I spent 15 years in the Northern Territory. It is not fair to compare us with the diversity that is in the Northern Territory and other jurisdictions, so we use major cities only.

In looking at major cities only, that means that—and this is news to me by way. I had not realised this second bit. Darwin is not included so that is fine. Northern Territory have no data for major cities, but neither does Tasmania. So Hobart is no longer a major city, which means there are six jurisdictions. I do not know whether they wanted that to happen. I am not sure if they asked for that to happen.

There would be criteria on which that is based but it did surprise me when I found it. So there are six jurisdictions and obviously an Australian average for all major cities. Just reiterating, within that our cohort size is small, and so all of the data, there are these big—sorry to use statistical terms—but confidence intervals around them which essentially make comparisons really tricky. Because we only have between 170 and 200 kids in a cohort that might do the tests, then the confidence intervals are kind of like between seven and ten points plus or minus, so it makes things very rubbery.

That is true regardless of whether we are looking at whether we think a gap has narrowed or widened. So we still, even though we are strength-based and much prefer to use strength-based language, closing the gap is a concept, right, and it is still there nationally, and so we do look at the gap between the performance of our Aboriginal and Torres Strait Islander and non-indigenous students, and so if I look back—you know, we are coming out of a pandemic which has made some of this a bit wobbly, including there being no NAPLAN in 2020, but just to bring the elected body up to speed, when we look at 2021-2022 comparisons, they are actually looking pretty favourable in that—the ones we look at usually are reading, writing and numeracy, they are the big three, and then across all year levels we have got 12.

So three tests are mains and four year level—3, 5, 7 and 9—and then if we look at those and we look at—there are two ways we can look at it: the percentage of students at or above national minimum standard. That is only available to us until 2022. We have a whole new regime starting this year, nationally. So there is that and there is the national mean score.

If I look at that, and I am just going to refer to my notes so I do not make a mistake, of



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those 12 for the percentage at or above national minimum standard, we have actually narrowed the gap on eight of the 12. Three of them are flat and one has slightly widened. The one that has widened is year 9 numeracy, and it is by one per cent, so it is not huge and if I take into account what I said before—but we are not trumpeting any of that. We are a little bit encouraged, but we are not trumpeting it because the confidence intervals mean that we have variability year-on-year with our kids in our cohort, so we are not getting too excited, but we are encouraged.

Then if we look at the mean scale scores—sorry, I said national but it is not. Mean scale score on the 12. On ten of them the gap has narrowed between 2021 and 2022, and on two it has slightly widened, and that is year 3 and 9 numeracy. So you can probably hear a pattern in that, and that pattern is not Aboriginal and Torres Strait Islander-specific. We are doing some focussed work on numeracy because numeracy is the area of greatest need, including for our Aboriginal and Torres Strait Islander kids.

But overall, I think as a sense of narrowing the gap, there are some encouraging signs there, but I am being very moderate and modest about that because there is still a way to go.

**MR WALKER:** Thank you, Deb. Very comprehensive, and I know that you can talk all day long on—

**Ms Efthymiades:** Yes, you are not letting me, though.

**MR WALKER:** I guess the question from a community perspective is if you can talk about—maybe not now, but if you can take that question on notice—

**Ms Efthymiades:** The stuff we are doing?

**MR WALKER:** —around how are you going to increase the proportion of Aboriginal students in the top two bands of NAPLAN reading and numeracy for 3, 5, 7 and 9 by an average of 6 per cent points by 2028 and how are you going to decrease the proportion of Aboriginal and Torres Strait Islander students in the bottom two bands on NAPLAN reading numeracy in 3, 5, 7, 9 age groups by an average of 6 per cent by 2028.

**Ms Efthymiades:** Sure. We will get the “what we are doing about it” stuff to you so that it is rich and not short, but I just want to clarify one thing for all the members—is that nationally the standards are changing. This year, 2023, is the first year of new standards, so we will not have those bands to report against. That stopped in 2022, but there will be a set of four proficiency standards against which this year will be our baseline, and then from there we will measure ourselves going forward. So we have got to do some thinking about how we recut some of those expectations with the new national standards.

**MR WALKER:** Just for the understanding of—

**Ms Efthymiades:** So high performance and low.

**MR WALKER:** Just for the understanding of this elected body, I guess, because maybe

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by the time you report again we may not be sitting here, so we understand from reading from this graph that we will get that information that we will understand that.

**Ms Efthymiades:** Sure. You are talking about the new standard stuff?

**MR WALKER:** Well, when the new standards are implemented—

**Ms Efthymiades:** Yes. They will be reported really soon. Like, by the end of this month is the timing for the reporting.

**MR WALKER:** Okay. There you go. No, scrap that, then.

**Ms Efthymiades:** We will need to do some translation into that new world, because we cannot compare historically, but we can tell you the story up to 2022 and then 2023 will be a new story.

**MR WALKER:** Nice. I think some of those questions were kind of targeted at the 2022 results, and about—particularly the next question I guess through NAPLAN is around the concern about increasing children being absent from NAPLAN testing days. One of the questions that I was asking was—and I can maybe guess what the answer will be, but it is concerning that some of the feedback from community is that students have been asked to stay home on those days to filter so that they get better results in relation to schools. Whether it is true or not, we just want to make sure that—

**Ms Efthymiades:** Yes, that is not okay.

**MR WALKER:** That is not okay.

**Ms Efthymiades:** No, that is not okay.

**MR WALKER:** Obviously, if schools are encouraging that then somebody should get slapped over the knuckles or something—whatever the—

**Ms Efthymiades:** Yes, we can certainly run that message into ground.

**MR WALKER:** We cannot bring the cane back, but.

**Ms Efthymiades:** You wish.

**MR WALKER:** For teachers, yes, we have seen that.

**MS CHIVERS:** An example would be, for example, one of my children never sat NAPLAN because every time it was NAPLAN, I was asked could I keep him home, so he never ever had a NAPLAN result for his whole education.

**Ms Efthymiades:** I am happy to get any specifics offline that we can troubleshoot.

**MS CHIVERS:** He is older now and outside the school system.

**Ms Efthymiades:** No, I know, but if there are any more recent ones, happy to get those

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and run them to ground.

**MS CHIVERS:** But we do regularly hear that from other members of the community that they have a similar experience; that they are regularly told could they please keep their child at home.

**Ms Efthymiades:** Yes. Look, the reality in 2022 is that the data are caveated for participation and attendance, actually, in general, because there were some disruptions still because it was early in the year and COVID.

**MR WALKER:** Thank you. Just Aboriginal Community-Controlled Organisation relationships. In particular, Gugan Gulwan provides an essential service to some of our most vulnerable young children and their families. What processes are in place in education to ensure their work is supported and that the needs of the participants are met by the directorate? How is that relationship with Gugan supported?

**Ms Haire:** Member Walker, I will ask Ms Spence to come back. I think we already covered this with you earlier today, but happy to provide any more detail that you need on that partnership or relationship with Gugan Gulwan.

**MR WALKER:** I think we talked about how many and who, but we kind of stopped you short of getting some of that detail, so this question obviously is just asking for a little bit more detail, and in particular, how is this resourced, what are the internal accountability processes to monitor progress and—yes. I will leave it there, although there are two more points.

**Ms Haire:** The start of the question, Member Walker, was to talk about the processes—

**MR WALKER:** What processes are in place in education to ensure their work is supported and the needs of the participants are met by the directorate?

**Ms Haire:** So how we work in partnership with them when they are supporting us with the children that they are supporting?

**MR WALKER:** Yes.

**Ms Spence:** Thank you for that question. I am not sure I am going to be able to answer all of it, because I think the way in which we engage through Murrumbidgee School might be different to the way we engage—

**MR WALKER:** To where?

**Ms Spence:** Murrumbidgee School. That engagement is a direct engagement with our flexible education offering in the Murrumbidgee School leadership team who engage directly with Gugan Gulwan to support students in that particular setting. The relationship and the way in which they work together is constantly looking at how they meet the needs of those individuals, and the ways in which they measure that is very different based on the individual context of a student in that particular setting. A consistent way in measuring and accounting for how that works effectively is quite different in that particular setting.

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In terms of the way in which we work with Gugan Gulwan in terms of our targeted support is delivered through our targeted support team. I guess again it is about the individual circumstances and the way in which we support those, so it varies in terms of the measuring and accountability, because we treat every individual based on the needs that they are presenting at a point in time.

That is probably what I have got. I do not know if Beth can maybe talk more about the formalised part of that relationship and measuring that partnership—I think is maybe where you are asking. If she can add anything to that, but we might need to take that one to get more information on that outside of those contexts.

**Ms Craddy:** I think all I can really add at this point is that if there is a need for extra support for students, that request is usually done at a school level, not at the education support office level, so it would also then depend on the relationship that the schools have developed. I can see that we actually need to do a little bit more research around this and a bit more investigation to see what can happen. The other thing is the geographical location of Gugan as well—in the deep south, for us who live on the northside—and also its limited resources, but I think it is probably something we need to investigate further about what supports might be in place.

**MR WALKER:** Obviously, Gugan offers some essential supports for young parents, making sure that those children are getting to school. I think that we have talked on a number of occasions in relation to looking at promotional material around assisting our organisations, not only Gugan but any other organisation that may be established on the north side, that obviously Gugan is located where they are at the moment.

They are moving to obviously new premises sometime soon but it is just about—because one of the questions is how is the increasing young population of the community being factored into forward planning. So that would be interesting to sort of think about well, if we are expanding a new service or if Gugan have any plans about expanding the service to the north side, how are schools and/or educational directorate going to assist because we keep talking about continuation of education, and we are wanting to urge our young people and our carers to make sure that our children are going to school at that vulnerable time in their life so that we fix our goals on what is happening in the future so that we can obviously change some of the statistics that we have for our young people in the future.

**Ms Haire:** Member Walker, in relation to that in terms of growth and enrolment, I think one of the really good things about the way our system works, firstly, through Deb's team we have a team of people who are constantly examining the—working with the Australian National University looking at population projections and enrolment projections to assist us to plan for schools and services.

Our funding model is based on a per student basis, and so when we have additional students we are funded for additional students which includes of course the support services, the wrap-around services that go around that, so we are constantly projecting forward but it is also the case that our funding model means that as the enrolment grows, then our per student payment increases as well to provide those services.

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**MR WALKER:** Is there a role for the Indigenous unit to be dealing with ACOs or in relation to some of those educational outcomes?

**Ms Craddy:** We would be supporting the allied health and the student engagement teams to build their capability to do so, and one of the things we are exploring—it is not set in concrete—we are looking at is how we can increase the number of Indigenous youth workers and social workers that would sit inside that allied health unit. They would be connected to us as far as, I suppose, staff network processes and supports are concerned so that they can assist in that space, but it is something that we are very, very early on investigating. That is it at this stage.

**Ms Spence:** Probably if I can highlight a service. Through our flexible education team, our Waruga Yardhura service is actually a case management service for Aboriginal and Torres Strait Islander students. They actually have Aboriginal and Torres Strait Islander community representatives on their group and they have a series of identified positions as part of that service.

They are a service that we provide when our young people may be disengaged from education and so there is a referral process into that particular service to support the young people that are finding engaging in school difficult. They still remain at their school but this service will step in and help those young people reconnect, attend—which we know is the most important thing to do.

That particular service does work with the likes of Gugan Gulwan as well because it is linked in with our targeted support team so that particular service is something that we are actually at our maximum capacity of a 30 case load. It is a relatively new service but it is one that we are seeing some really great success in re-engaging people back in with education, college education.

**Ms Haire:** Can I jump in on that just to say, Member Walker, you were instrumental in the establishment of that service and we are really grateful to you for your—because during the pandemic we had ongoing discussions about your concerns about Aboriginal and Torres Strait Islander children and young people disengaging from school, and as a direct result of that, that is how this service was established. So we are very grateful for that guidance that you have given us. We are very proud that we have now got this specific service for those young people.

**Ms Craddy:** What was that service called, sorry?

**Ms Spence:** Waruga Yardhura, which is a part of our flexible education offering.

**SPEAKER:** It dies up with Muliyan.

**MR WALKER:** So the elected body—from the last hearing report we would recommend that you guys work closely with Gugan so hopefully by the time this report come out we will maybe see some kind of formal partnership with Gugan a little bit more. Given I think the role that they play with our young people, I think there is a whole history of Gugan holding a school-ready program so people who are struggling with—whether they are in and out of detention or incarceration and then them running programs and prepare them to go back to school and be ready for school, so hopefully

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that could be achieved in the near future.

The last couple of questions I have is around I guess Bimberi. They have got Murrumbidgee Education Centre here but I do not know what that—

**Ms Haire:** So Murrumbidgee is the name of the school at Bimberi so Bimberi is the youth justice service.

**MR WALKER:** So are young people in the education centre regardless of their classification provided access to education and how is this achieved?

**Ms Spence:** So absolutely those young people that are at Bimberi Young Justice Centre have access to Murrumbidgee School which I have sort of talked about to some of that. The day-to-day operations of the Murrumbidgee School require a really strong collaboration with Bimberi Youth Justice Centre, and they work very closely together. Of course, young people that are coming into Bimberi are supported through a different directorate but of course that relationship needs to be very strong so that we can work with Bimberi to assess student needs on entering that space and also support any kinds of adjustments required to support young people in that setting.

So the partnership we have with Bimberi is really important. We also share frameworks like the positive behaviours for learning approaches so that there is consistency in the way that Bimberi operates and the way that Murrumbidgee School operates. There is a dedicated transition officer as part of that particular offering at Murrumbidgee School and they work with young people to identify the goals and aspirations and also support and facilitate the transition back into mainstream education settings, as required, including opportunities for employment, work experience, to help young people I guess as they exit out of the youth justice system and back into either education or work pathways.

Sometimes that transition is supporting them back into Muliyan, a flexible education offering so that they can get the necessary wrap-around supports as part of that program. Whilst they are at Murrumbidgee School, and I have talked briefly around how Gudan Gulwan supports the wrap-around services required of our Aboriginal and Torres Strait Islander people by meeting weekly, but there are also other educational offerings that we provide for those young people at Murrumbidgee School.

They include things like vocational education training courses in White Card, asbestos training, silica awareness training, different things like that based on the student's goals and aspirations.

**MR WALKER:** Thank you. You have answered the second part of the question around transition back into education and what supports them. Those are all the questions from me, Katy and for your staff. I do not know if any members have got any other questions before you go. Now that we are at 12.30 and we are just about to go to lunch.

**MS MCGRADY:** Yes, I will talk fast. So we had a section around racism but correct me if we spoke about racism against our kids at school, and if there is a long answer to this then I am happy to kindly go to Member Walker.



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**Ms Haire:** Deputy Chair, I think you are right. We talked about racism in the staffing, and I think Mr Matthews separated out that they were the two issues and we did not ever come back to the second one, so apologies for that. It probably is quite a long answer. We do have significant policies and procedures. It is probably better if we set that out for you in a question on notice if you are comfortable with that, Member Walker.

**MR WALKER:** Sorry, what was that suggestion? What have they got me to do?

**Ms Haire:** Just say “yes”.

**MR WLAKER:** I just want to make a correction for the answer I guess. Gugan is located in the south but obviously offers services to both north and south. My reference to them obviously whether they would expand to have an office in the north part would make it easier on the service, I would assume, but at the moment they are operating from the south. So just as a correction for the Hansard. My apologies.

**MS MCGRADY:** My question was around racism against our kids in the schools, so we are happy to take that on notice so that you as a member can discuss with the directorate.

**THE CHAIR:** How many kids have got certificates at Bimberi or graduated?

**Ms Spence:** I do not think I have that data specifically around those individuals at Bimberi because, of course, there could be a short period of time and then they come back out to mainstream school settings, so breaking that data down is not something that I think we would have available.

**MR WALKER:** Thank you, Katie, and I thank your staff for their time. We will see you again soon.

**Hearing suspended from 12.33 pm to 1.05 pm.**

Appearances:

Justice and Community Safety Directorate

Glenn, Mr Richard, Director-General

McNeill, Ms Jennifer, Deputy Director-General, Justice

Johnson, Mr Ray, Deputy Director-General, Community Safety

Krajina, Ms Danielle, Chief Operating Officer

Marsh, Ms Caroline, Co-Chair, Executive Branch Manager, First Nations Justice

Nuttall, Ms Amanda, Principal Registrar and Chief Executive Officer, ACT Courts and Tribunals

Aloisi, Mr Bruno, Acting Commissioner, ACT Corrective Services

ACT Policing

Gaughan, Mr Neil, Chief Police Officer

Boudry, Mr Doug, Deputy Chief Police Officer

**THE CHAIR:** My name is Tanya Keed, and I am the Chair of the Aboriginal and



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Torres Strait Islander Elected Body. I am joined by all members of the elected body and would like to introduce them now. Paula McGrady, Deputy Chair, with portfolios with Transport Canberra and city services, ACT Health and our representative on the Coalition of Peaks. Maurice Walker, Member, with education and community services portfolios. Jo Chivers, Member, with justice and community services portfolios. Deanne Booth, Member, with the Major Projects Canberra portfolio.

JACS has a broad portfolio and has many touch-points for our community. We would like to acknowledge JACS work on the support of the establishment of the role of a Children's Commissioner. The response to our "Our Booris Our Way" review, we look forward to the positive impact of this role and their interactions with the community.

Also, I would like to celebrate the appointment of Louise Taylor as a judge of the ACT Supreme Court. We are however deeply concerned that the ACT is a long way from being able to reach the targets in the ACT or National Agreement. This requires deep conversation of the course of action the directorate has taken, and the way we accelerate strategies and programs to take effect on these targets.

As we start our 2023 hearings, I would like to pause and reflect that in our 2020 hearings we had extensive discussion on the lack of timely systemic responses of the ACT government to racist drawings within the AMC. This was despite escalation of the issues within the government through the Human Rights Commission, and concerted advocacy by local Aboriginal organisations. In two years, there has been no training response on the ability to understand, identify or eliminate racism in the AMC.

Three years later, that family and our community was dealt another blow, tragically. I would like to reflect and remember those from our community who have died in custody in circumstances that were, and should have been, avoided. Please could all witnesses that give evidence during the hearings acknowledge the witness statement for the record. I would like to invite Director-General Richard Glenn for any opening statements before commencing the questions. Please can you limit your introductory comments to two minutes.

**Mr Glenn:** Thank you, Chair. Richard Glenn, Director-General, Justice and Community Safety. I acknowledge the witness statement, and can I begin by acknowledging that we meet today on the lands of the Ngunnawal people, and pay my respects to their elders, past, present and emerging. Of course, acknowledge all other Aboriginal and Torres Strait Islander people who are joining us today, and I would also like to join you, Chair, in acknowledging the tragic passing last week and express the condolences of all JACS to Ms Dennis' family.

**THE CHAIR:** Thanks, Richard.

**Mr Glenn:** By way of opening statement, I really just want to point out, as you have already, the breadth of JACS's responsibility, which is why we have this wonderful array of people over here who will jump up to assist in answering questions, and we will do a bit of juggling to make sure we have got the right person at the table at any time for any questions. Beyond that, I will stop.

**THE CHAIR:** Thanks, Richard. I will now pass to Member Chivers to continue the

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questions.

**MS CHIVERS:** The first lot of question will actually be around the priority reform areas within the National Agreement. So we will commence with priority reform 1, partnership and shared decision-making. So, in relation to my first question there are actually four parts beneath that, so I will read out the main question and then say what the other four parts are as well, but please feel free to ask me at any time to repeat them.

How is the directorate working with the community to share decision-making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community? So beneath that, the four other questions are: How many new formal partnerships has your directorate established since 2020; how are they resourced; what have they achieved; and is the information publicly available?

**Mr Glenn:** Thank you very much for the question. If I perhaps begin by sort of talking about the nature of the partnerships that we have in place and the different manifestations that they take. Probably at its highest level we have the justice advisory group and justice caucus, which are our primary mechanisms around justice policy initiatives and justice programs to be able to engage with community and have an open dialogue about the nature of the services that we provide and how we can better tailor them to meet the needs of the community.

The next wave, after that, is I suppose in its early days, which is the commissioning process that we have committed to for all our justice programs in the future. So this will be a process of being able to engage with community to actually design from the ground up the range of justice programs that we deliver, particularly in the justice reinvestment space. We have formal agreements with a range of community partners, for example the tri-party agreement we have been JACS, Canberra Health Services and Winnunga for the delivery of—

**THE CHAIR:** Richard, can I just ask how are they consistent with priority reform 1? Chosen by community, shared decision-making resources. Do I need to ask the question again?

**Mr Glenn:** I suppose I can get to those. If I give you the categories, and I think they sit in different seats.

**THE CHAIR:** Yes. Just answer the question, please.

**Mr Glenn:** Certainly. So there is that formal agreement. We have a long-standing partnership with the Aboriginal Legal Services under the auspices of the National Legal Assistance Agreement, and in a range of delivery partnerships for different programs and policies that we have in place. Some of those have existed since before 2020 and some of them have come into existence since.

The extent to which they share decision-making varies depending on the nature of the program and the body. Justice caucus and justice advisory group are designed, over time, to be a very collaborative exercise in which decision-making about program implementation can be shared. The commissioning process is a specific articulation of that, to go into a co-design process to be able to share decision-making about what

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should be delivered and how it should be delivered.

We seek to be guided by our community partners in the other programs that we operate. They are subject, sometimes, to program agreements and so forth. Our approach is to seek to be as collaborative as we can about the delivery of those programs, so that we are able to benefit as much as we can from the expertise of people who are actually doing the work, as opposed to those of us who are in other roles.

The funding for those bodies, justice caucus, justice advisory group, is effectively internally funded by the directorate to be able to support the efforts of the group, but it does rely on the participation of individuals on a voluntary basis. The resourcing for the various programs are all subject to budget process, and they are, depending on the size and scale of the program, have different levels of resourcing.

Some elements of those are publicly available, to go the last part of your question. Others will have a public manifestation, so we go to evaluate some of those programs and provide advice about what they have achieved. That takes me to that part of the question. I think the justice caucus and justice advisory group have both been through a process of refresh and redevelopment.

I think they are now coming in to a position where they are going to be able to enliven a really useful, active conversation. I think that has been a process that has been gone through over at least the last 12 months. I think that is significant, so we can talk separately, I suppose, about the utility—

**THE CHAIR:** Contractual services, Richard, of funding agreements, are not partnerships as defined by the National Agreement.

**Mr Glenn:** I accept that. What can I describe though is our approach to engaging with our community partners to deliver services.

**MS MCGRADY:** And are they empowered to be part of this decision-making process as well? I think that is really, really important, is the empowerment to be able to create a space there for shared decision-making. So that is one of the outcomes, you know, that is a part of that as well.

**Mr Glenn:** And I think our mechanisms enable us to have that. I think we need to do more, and that is part of the commission process. Because if we start from building from the ground up then we are actually having that joint decision-making process all the way through the program. We have some where we have gone and asked our community partners to deliver a particular thing.

Now, that is not started from a position of empowerment, and I accept that. As we live those programs and work through them, then we seek to make sure that everyone is sharing in the decision-making, and we are collaborating as best we can. The reset for that, I think, is the commissioning process.

**MS MCGRADY:** Thank you.

**MS CHIVERS:** Following on from that, can you provide three examples of where you

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have shared decision-making with the community in line with the ACT Agreement, specifically focusing on how was the decision-making formalised and to what level was it funded?

**Mr Glenn:** Perhaps if I start with one example, which was the co-design process for the establishment of the Aboriginal and Torres Strait Islander Children's Commissioner. I might invite Ms McNeill in a moment to speak in a bit more detail about that, but that is probably one of our big examples of saying there is, clearly from "Our Booris Our Way," a decision that this role needs to be created.

But the process that we established to scope that role, and to identify it and to work out how we would seek to fill the position has been a really effective, I think, co-management of that process. And of course, that position is now funded to the tune of about \$3.5 million over the forward estimates for the ultimate appointee, as well as the funding that has been made available for the interim advocate, Ms Causon who is here as well.

**Ms McNeill:** Jenny McNeill, Deputy Director-General, Justice, and I acknowledge the privilege statement. So, Chair, Ms Chivers, I think that you probably are quite familiar with this process because you acknowledge the work by the directorate to establish the office of the Aboriginal and Torres Strait Islander Children's Commissioner.

That was a process where we committed hearings through the "Our Booris Our Way" implementation oversight group to a process where we retained, eventually, the Jumbunna Institute, who facilitated engagement with the community and reported back what they heard about what the role needed to be able to do for Aboriginal children and families.

That report then fed into the design of the legislation. The legislation itself embeds a requirement for us to consult with the community on the selection of the person who will go into that role, and that is a process that we are engaged in at the moment, and I think that means that this committee are represented on the community panel, which will be taking place later this week.

So that is an example where community was empowered. We had a First Nations organisation come to consult with community in a culturally safe way that led to the construction of the legislation. Decisions about whether the role would be located with an existing structure, such as the Human Rights Commission, or whether it would be standalone. Of course, the community preferred a standalone option, and now we are going through that additional process of community consultation in relation to the appointment itself.

**Mr Glenn:** I can give another couple of examples of different scale, I suppose. There is the governance arrangements that sit around our relationship with Winnunga and Canberra Health Services for the delivery of health services to Aboriginal and Torres Strait Islander detainees in the AMC. That has a process of being able to establish need within the detainee population, to be able to work out how best to deliver that. There are many issues associated with that, and I am sure we will talk about it, as well as how it is rolling out in reality, but it is a mechanism that we have established to be able to—

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**THE CHAIR:** Can we just go back a minute, Richard, and thanks for your describing consultation for us. Do you resource for participation and decision-making, not just delivery services? Because it sounds like you are asking them to do it for free, and it is disappointing that none of these examples of partnership and shared decision-making are defined by the National Agreement. We will move on.

**MS CHIVER:** So the next series of questions will actually be around priority reform 2, building the ACCO sector. So to commence, engagement with ACCOs, how many local ACT-based ACCOs have you worked with in the last two years? And there will be a series of questions in relation to that. So who are they, how have you helped assisting ACCOs to grow in size, or grow the scope for services, how are you progressing with transitioning services to Aboriginal Community-Controlled Organisations, and what new community-controlled organisations have been assisted to be established?

**Mr Glenn:** Certainly. I will see if there is anyone here who can give the total number of Aboriginal Controlled-Community Organisations with which we have engaged. There are a large number across the range of programs that we manage, but I think across the range of organisations, I have mentioned Winnunga, Yeddung Mara, Gugan Gulwan, Clybucca Dreaming.

**THE CHAIR:** They are not ACCOs, those two.

**MS CHIVERS:** They are businesses, not ACCOs.

**Mr Glenn:** What we have sought to do with our engagement with our partners is to, I think as I have described already, engage in a collaborative process and seek to do more of a commissioning style of work to be able to design our programs and identify that ways in which other support can be provided to ACCOs. We seek to work with emerging groups. I do not think we have assisted, as yet a new organisation to emerge, but of course we would be very happy to do so.

And we have been advocating for commonwealth investment for capability development for ACCOs through the commonwealth justice reinvestment program, and I think we have had some success there. I am not sure how much I am able to say about that, but we have certainly been engaged in that. One of the areas that we have worked on particularly is around the ACT Legal Assistance sector strategy and how that can be used to help develop the capacity of legal service providers within the territory.

That has had a particular impact, I think, for ALS thus far, including in the last budget, an allocation for funding for a paralegal. That is quite a deliberate choice of position, both because there was need for that service with ALS and for that staffing member, but it is also about seeking to create a pipeline of talent and a pipeline of development opportunities for young people coming through those organisations, and that was a key feature of the legal assistance strategy: how do we actually generate a workforce that is going to be able to continue to work through those.

**MS CHIVERS:** Thank you for that. Just in relation to the Aboriginal Legal Service, we understand there have been some changes to the scope of the services that are provided. What is that change and how has that been communicated to community?

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**Ms McNeill:** Yes. So, I assume that this is a reference to the new Care and Protection Legal Service that has been established within the ALS. Sorry, Ms Chivers, what was your question?

**MS CHIVERS:** So it was around what is the change and how has that been communicated to community?

**Ms McNeill:** So the change is the establishment of the Care and Protection Legal Service within ALS, again, this was another response to a recommendation of the “Our Booris Our Way” review, which recommended there should be culturally appropriate services to assist Aboriginal families in contact with the child protection system. The change has been the injection of funding, I think the original idea was for two solicitors and a paralegal.

We understand that there has been some difficulty recruiting into those positions. Both recruiting Aboriginal professionals, but also recruiting at all, and so at this time the ALS, as I understand it, has one solicitor who is not an Aboriginal and Torres Strait Islander identifying professional, and two part-time paralegals. So there is one position that remains vacant.

At this stage, I understand that a case load in the order of 25 matters have been in court. That involved 7 matters that were in court, and 18 non-court matters.

**MS CHIVERS:** Can I, just going back to what the actual question was. So that is more about the detail rather than the actual change, but how has the change been communicated to the community?

**Ms McNeill:** In terms of the communication, I understand that ALS has partner organisations embedded who take a role liaising with the community, and so it has largely been a community-led communication program, as I understand it.

**MR WALKER:** Can I ask what the FTL of those positions are? Are they full-time positions or part-time?

**Ms McNeill:** So as I understand it, there is funding for three positions. Two full-time solicitor positions and a full-time paralegal position, but at the moment they have recruited one of the solicitor positions and they have recruited two part-time paralegals. So that is what I understand the capacity to be.

**MR WALKER:** Are they comparable to other lawyers, similar in the mainstream?

**Ms McNeill:** The duties are consistent with the duties of any solicitors undertaking care and protection work. Is that what you mean, or are you?

**MR WALKER:** I am trying to get to the point where, is the wage attracting to Aboriginal lawyer?

**Ms McNeill:** I think the wage is comparable to other community legal service provider wages. Now, there is a big span of legal remuneration. It depends what style of work



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you do in the profession, but I understand it is broadly comparable.

**MR WALKER:** Now, just trying to rule out whether that is one of the issues why we cannot get anyone to apply for the job.

**MS CHIVERS:** Just in relation to that service, are those people just for the ACT, or do they provide that service across the region, so it is not just for the ACT?

**Ms McNeil:** I think that—I am going to have to take that notice, I do not want to say the wrong thing, Jo.

**MS CHIVERS:** Thank you. The next slog of questions is still in relation to priority reform 2, and in relation to the indigenous procurement policy. So what is the number and value of contracts that you have that support the indigenous procurement policy?

**Mr Glenn:** I have figures for 2021-22. The 22-23 figures are still being reconciled, and I will have those shortly. The number of unique Aboriginal and Torres Strait Islander enterprises engaged is 25. The value of those engagements was \$3.85 million, which equated to, under the policy, about 8.5 per cent of our assessable spend, our target being 2 per cent of the assessable spend.

**MS CHIVERS:** So what are the requirements within contract or grants that require specific outcomes for Aboriginal and Torres Strait Islander people?

**Mr Glenn:** I might answer that in two parts. So where there is a grant or a program grant being built, then the outcomes are described in that around what it is that is expected to be delivered and what we would hope the ultimate outcome would be of the delivery of that service, although to an extent, for example, delivery of a duty lawyer service is to deliver a duty lawyer service. Metrics around that are the number of people being represented and so forth.

Within other contracts, for example the contracts associated with the figures that I have just described, they are for the provision of services that may or may not be for Aboriginal people. They are the acquisitions from Aboriginal-owned organisations. So for example, all the development of website material or other things, it is not specifically aimed at Aboriginal and Torres Strait Islander people, but it is linked to the business sector.

**MS CHIVERS:** Thank you for that response. In relation to mainstream organisations, what are the specific requirements that those organisations must have to guarantee access to services in the community?

**Mr Glenn:** I think that depends on the nature of the agreement or funding arrangement we have with the service provider. Take legal assistance as an example, that funding is provided either under the auspices of the arrangement we have with the commonwealth or from direct ACT government funding. There are then requirements as to who is entitled to receive those services. Legal Aid, for example, have thresholds as to who can receive Legal Aid services. So that is set up, in that situation.

**MS CHIVERS:** And what are the specific requirements for those organisations around

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having Aboriginal and Torres Strait Islander staff within the organisation?

**Mr Glenn:** I think I would need to take that on notice. I am not sure I have the specifics with me.

**MS CHIVERS:** Yes. And is there also a specific requirement for those organisations that there would be an expectation that they would have Aboriginal and Torres Strait Islander representation on their boards?

**Mr Glenn:** Again, I will take that on notice. I do not think so but let me check that properly.

**MS CHIVERS:** And then the final part of that question is around whether there are any specific requirements in relation to how the organisations actually procure services.

**Mr Glenn:** My recollection is, and again, I will check this properly, that we have in our standard contract and grant terms, requirements around how procurements are undertaken that go to ethical procurement and things like that.

**MS CHIVERS:** Fantastic. Thank you for that. So how is the directorate engaging with Aboriginal and Torres Strait Islander business, and I guess we are specifically interested there with how many contracts you have actually entered into with Aboriginal and Torres Strait Islander businesses, and as a percentage of spending, how much is actually spend with Aboriginal and Torres Strait Islander business?

**Mr Glenn:** Firstly, the engagement question rather depends on the procurement that we are running at the time. Sometimes it might be an open procurement which we are seeking bids from the entire marketplace. We have also, consistent with the procurement rules, had select tenders where we are seeking responses from Aboriginal and Torres Strait Islander businesses only.

As I described before, the number of Aboriginal and Torres Strait Islander enterprises that go to construct our spend was 25. I think that equates to the number of contracts, but we can check that. Again, that amount was around \$3.5 million, which is about 8.5 per cent of our attributable spend.

**MS CHIVERS:** Thank you. So the next series of questions will be around priority reform 3, transforming government organisations. So how is your directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Mr Glenn:** So we have—let me check the right way to come at this. We have the range of priorities that we have under Phase 2 of the Aboriginal and Torres Strait Islander Agreement, the individual focus areas there, but there is also, I suppose, a broader category of work around how we are seeking to transform our own organisation, which is with priority 3 both structurally and systemically. I can address both of those, if that is helpful.

**MS CHIVERS:** Yes.

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**Mr Glenn:** If I start with the latter, now our kind of structural changes have been around the creation of our First Nations Justice Branch, which is designed to provide a single touchpoint for a range of Aboriginal and Torres Strait Islander policy and program work that we have on and it will lead the commission of work that I have described earlier. Secondly, we also have the introduction of the Aboriginal and Torres Strait Islander Children's Commissioner and the Interim Advocate at the moment and a range of work that has gone on in the corrections context around the Aboriginal Support Unit.

So these are the structural things we have changed in the organisation to try and adapt ourselves better to be able to work better against that priority reform. The systemic changes, they go to a range of policies and programs that we have sought to deliver.

They include things like raising the age of criminal responsibility, which is not just directed at Aboriginal and Torres Strait Islander people but will have a significant impact; extension of the Galambany Court for more people to be able to engage with it, for it to deal with bail decisions and ultimately I think to extend to other offences, more serious offences in other courts; the Drug and Alcohol Sentencing List; and our alternative reporting sites for Community Corrections clients.

Each of those are transformative because they actually ask the question, "What is it that we do that we could do differently that actually changes the way we approach a particular circumstance? A young person who is engaging in risky or unlawful behaviours still may engage in risky or unlawful behaviours, but we have sought to actually change the question we ask: "Is this a criminal justice response? Or what is it about the services we are providing to help this person and help this child's family be able to address the underlying drivers of those behaviours and to be safe?"

The Galambany Court is about saying we have got a court system and it operates kind of to our convenience; what if we operated it in a way that was more appropriate for an Aboriginal and Torres Strait Islander coming before the court? You ask that question and you get to a different way of doing the work.

Similarly with the alternative reporting sites, it is not—the simplest thing is to set one place for people to come and report on their Community Corrections orders. That is not actually what makes people comfortable and happy to come and wanting to engage in the discussion we went to have when they come and report. How about we just move somewhere else so that they can come and talk to us and be more comfortable when they do so.

So these are the shifts that we are trying to generate in a systemic sense to be able to address that priority. To the ACT agreement, the range of actions we have there, the Aboriginal and Torres Strait Islander Children's Commissioner is the first on that list, so I think we have talked about that. The Child Protection Legal Advocacy Service that Ms McNeill spoke about was also an action there. I will come back to data and evaluation framework for our justice reinvestment work.

**MS CHIVERS:** We will actually be having a separate series of questions quite soon around data.

**Mr Glenn:** I thought we might. Yes, I thought we might. Evaluation program for the

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evaluation for the Justice Reinvestment Program, so that is both what does the framework look like and what do individual evaluations look like? We have an action around implementing an intensive case management system, which is in progress but not delivered as yet. And engagement with community around the evaluation of the ACT Disability Justice Strategy and the preparatory work for the next phase of the strategy.

**MS CHIVERS:** And how do you work specifically with other directorates in relation to the ACT agreement?

**Mr Glenn:** So across those actions that I have just identified, and there are more, virtually none of them can be solely delivered by my directorate. They require collaboration across a range of areas and in the nature of criminal responsibility, for example, can only—it is very easy for my guys to draft some legislation to change the law. The law is not the issue; it is the services that we put around people once the law is changed that actually makes a difference. So we work with our colleagues in the Community Services Directorate for that.

The Justice Reinvestment Program itself is about seeking to get a whole of government collaboration on these types of issues and there are elements in that strategy that are delivered by JACS and there are elements that are delivered by others. What we seek to do is put the evaluation framework around all of them so we can assess the government's contribution—the government as a whole contribution—to reducing recidivism.

**MS CHIVERS:** Thank you for that. So the next questions are around systemic racism. So what have you done to review your legislation, policies and processes to identify and remove systemic racism?

**Mr Glenn:** I would pause there on legislation. Policy and processes, I think we have talked about some of those examples around Galambany Court and offender reporting sites and so forth. They stem from examples of saying, is there actually something underlying the systemic way in which this work is done that is prone to systemic racism or is culturally unsafe? And so we have sought to lift those up and find a different way around those.

Part of our engagement with our First Nations staff network and with our colleagues is to try and have those conversations that allow us to learn and to identify where my own cultural biases or blindnesses actually occur and where we need to do some further work. Ms McNiell leads a lot of that work for us. And I think the engagement we have through bodies like the Justice Caucus and the Justice Advisory Group are another way of being able to open up a conversation that says, you know, we think we can trundle along delivering business in a particular way, but did you know that the way this is delivered feels like this? So that enables a different conversation.

**MS CHIVERS:** Thank you for that. The next series of questions will be around workforce. So we understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as part of improving services to the community. There continues to be concerns raised across the community that some staff are not recognised, accepted or connected to our local community.

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How do you ensure these people meet the definition of being an Aboriginal and Torres Strait Islander person? And you may be aware that there are actually three components of the definition. So it is about being of Aboriginal and Torres Strait Islander descent, identified as being of Aboriginal and Torres Strait Islander descent and being accepted by the community as such.

**Mr Glenn:** I might just pause there to see whether we have a process, an HR related process that we can describe. Certainly across those three categories obviously we invite anyone who seeks to work with us to identify—alert us as to whether they identify as being an Aboriginal or Torres Strait Islander person. I do not think we have necessarily a pre-employment check around whether individuals are accepted generally as Aboriginal and Torres Strait Islander people.

We know from the way in which people work and how they engage with community and how community engages with them; we get a fairly quick assessment of how people are feeling about them in that process, but I have to concede, I do not think we have a systematic process that assesses that at the beginning of the employment relationship.

**MS CHIVERS:** So I guess then—so you are basically saying that you have not really got that process in place to ensure that Indigenous staff, that they do have that lived experience and connection with community in relation to the provision of services to the community?

**Mr Glenn:** I think we accept people's self-identification. I suppose one reason that we have to be able to, in a way, test the bona fides of people's assertions is through the involvement of Aboriginal and Torres Strait Islander staff or other stakeholders in our selection panels so we get an insight from being able to do that, but you are correct, beyond that we do not have a systematic process.

**MS CHIVERS:** And so following on in relation to that is around how are these roles and their responsibilities—how is that actually being communicated to the community?

**Mr Glenn:** In terms of seeking people to apply for jobs or when they are in their roles?

**MS CHIVERS:** When they are actually in their roles.

**Mr Glenn:** I think a lot of that is done through the stakeholder engagement we have with different community members and with the individuals concerned going and speaking and articulating for themselves their role and where they fit in things so we provide them support to do that. I think it is really a—can describe it as a dialogue model where we actually get people to go out and talk about the fact that, “I am in this role and this is what I am about and this is what my job is about”.

**MS CHIVERS:** And then following on from that then is about how you actually ensure that the advice that they are actually giving is culturally appropriate?

**Mr Glenn:** I think part of that is about growing the number of Aboriginal and Torres Strait Islander staff we have and growing the depth of our connection with people in the community so that we can triangulate some of those questions then.

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**MS CHIVERS:** Yes, and so when designing roles, what are the requirements for specifying an identified or special measures role?

**Mr Glenn:** Well, in my role, but the decision-making process that goes around whether a particular role might be identified goes to the nature of the role itself and whether we have a specific need that this role can really only be fulfilled by an Aboriginal or Torres Strait Islander person, whether we need in a particular area to be able to encourage greater numbers of Aboriginal and Torres Strait Islander staff to join so we find an opportunity to be able to encourage more people to come and work for us. That is my level of decision-making; there may be technical stuff underneath that.

**MS CHIVERS:** Thank you. How many Aboriginal and Torres Strait Islander people are working on project or programs that are not specifically for the Aboriginal and Torres Strait Islander community?

**Mr Glenn:** I would need to take that on notice. But what might help in answering that question is if you think about the diversity of the work that we do, we have for example 16 Aboriginal and Torres Strait Islander staff within the ACT Emergency Services Agency. A large portion of those are firefighters, for example. So we have a number of people in roles that are for the entire community and I will take on notice the number who are working—the distinction between specific programs and general work.

**MS CHIVERS:** Thank you for that. On recruitment panels, has there been an Aboriginal and Torres Strait Islander person independent of the government who have been part of the panel to help with this assessment, excluding anyone from the elected body?

**Ms McNeill:** My understanding is that it varies depending on the process, so if I reflect, for example, on the process to recruit the Aboriginal and Torres Strait Islander Children and Families Advocate, that was a panel where, yes, there was elected body representation, but we also had representation from the then New South Wales Aboriginal Children's Guardian and the Queensland Aboriginal and Torres Strait Islander Children's Commissioner, so I would say that it is not a consistent response. I think very typically we have been very dependent on the elected body to assist us and to provide a First Nation's perspective on candidates, but it has varied a little from position to position.

**Mr Glenn:** I think we also have some other mechanisms like the IFARES program, which is the Indigenous Fire and Rescue Employment Strategy Program that is run by New South Wales, which is a means of being able to encourage Aboriginal and Torres Strait Islander firefighter candidates and to have them assessed through the physical and other requirements of the role. So we do employ different mechanisms to be able to make those selection decisions.

**MS CHIVERS:** And how does the directorate train and assure the cultural competency of ACT government employees?

**Mr Glenn:** So we have a range of training requirements and training opportunities that we provide to all of our staff around basic cultural competency, moving through to more



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specific opportunities; for example, attending Garma, which has just happened. We also have in parts of the organisation varying degrees of compulsory cultural competency and cultural learning obligations.

For example, it is mandatory for ACT Corrective Services staff to undertake cultural awareness training as part of their induction training. There is then additional training that is available above and beyond that for specific roles and specific actions within Corrections. We have a range of options. If it would help, perhaps on notice I can provide you with the numbers of people and we can send that through.

**MS CHIVERS:** Yes. So in relation to some of those other options that you were saying, like it might be additional training et cetera, so is the content for those options designed and delivered by local Aboriginal and Torres Strait Islander people or organisations?

**Mr Glenn:** That I think is a mixture.

**Ms Krajina:** Good afternoon. My name is Danielle Krajina and I acknowledge the privilege statement. There is different levels of training provided—

**MS CHIVERS:** Could you just turn your—

**Ms Krajina:** Card around?

**MS CHIVERS:** Yes, thanks.

**Ms Krajina:** Thank you.

**Mr Glenn:** I did the same thing.

**Ms Krajina:** Thanks for that. Thank you. Look, there are different levels of training provided across the organisation, so there will be certain training provided at a whole of government level, certain training provided at a directorate level and certain training provided at a local business level. In most cases, the training, if it is face to face, will be provided by an Indigenous provider and some of the really successful sort of engagements we have had have been with undertaking on country tours, Ngori(?) [1.55.54] training.

We have also participated in the grant CSIRO Strategic Indigenous Program. So it really depends on what the area of focus is that we are working on will determine the type of training we provide. Now in saying that, we also do have online training that is provided at a whole of government level and we have also participated in a range of AIATSIS training across the organisation.

**MS CHIVERS:** Thank you.

**MS MCGRADY:** Excuse me. Can I ask a question?

**MS CHIVERS:** Yes.

**MS MCGRADY:** How is the cultural competence assessed and by who?

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**Ms Krajina:** Of the people providing the training?

**MS MCGRADY:** No,

**MR WALKER:** Where is the complete—

**Ms Krajina:** As to how successful has the training been?

**MS MCGRADY:** Yes.

**Ms Krajina:** Yes. Look, I think that is a difficult one to judge. We certainly undertake evaluation processes for all of the training that has been undertaken and our human resource team assess the success of how people feel about the training, but in terms of the impact of the training, yes, I would not say that we have a lot of statistical information that supports that.

**MS MCGRADY:** In regards to staff?

**Ms Krajina:** Well, we have information on who has been trained and the type of training that they have participated on, so we have certainly got the numbers. Not necessarily undertaking formal evaluation as to how the training has been, I guess, received by the individual, but we do have evaluation processes where we ask individuals how they feel about the training, what they got from the training and in my experience that has always been very positive.

**MS MCGRADY:** Can I ask how much of that is online and how much of that is face to face?

**Ms Krajina:** I would have to come back to you with the details, but the vast majority of our training is face to face, but we do take advantage of online training, as I said, at that whole of government level. But I can provide you that.

**MS MCGRADY:** Yes, thank you. Thank you.

**MS CHIVERS:** Thank you for that. How has JACS supported Aboriginal and Torres Strait Islander employees across the ACT Public Service to reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander people within government systems by 80 per cent by 2028?

**Ms McNeill:** It is difficult to answer that from a statistical point of view in terms of is our objective necessarily to reduce by a particular amount? Yes, the objective is, but that is not necessarily what we are aiming for or overtly. We do want JACS to be an employer of choice. We want it to be a place where our employees feel safe and valued.

Now, there is a couple of things that we do. Mr Glenn mentioned that one of my roles is chairing the Aboriginal and Torres Strait Islander Staff Network, and the irony of me chairing that when I am not an Aboriginal or Torres Strait Islander person is not lost on me, but that notwithstanding, I think and the group think that it is important to have very senior support for the organisation.

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The network exists alongside other whole of government Aboriginal and Torres Strait Islander networks, so for example, across all the directorates the Yarning Group meets and that is a very successful network. Our network is not as strong as that. When I last looked, I think, in the Teams chat, the group amounted to around 30 people. But it is an opportunity for staff from across all the business units in the directorate to come together, share experiences, share cultural load.

There is a focus on career development, so for example, at our most recent staff network meeting we had a presentation on performance and development planning and how that can be used to help Aboriginal and Torres Strait Islanders to very consciously plan and enlist the support of their supervisors in their development.

So that is one thing. We also have the Respect Equity and Diversity Roles, the RED contact officer roles. They are meant to be officers to whom people can go and raise concerns if they are experiencing racism or other forms of discrimination. Now off the top of my head, I am thinking about the crossover between the RED network and the Aboriginal and Torres Strait Islander network and it is minimal, so I do not know that we have strong Aboriginal representation in the RED network, but that is certainly another opportunity available. Other than that, there are of course the formal complaint mechanisms that are available to staff who feel that they are experiencing discrimination.

**MS CHIVERS:** Yes, so I would just point out that the target that I mentioned is actually in the ACT agreement and—

**Ms McNeill:** I am not saying we are not aiming for it. I am just saying that these are things that we are doing to support staff. It is not just to get there.

**MS CHIVERS:** Yes. No, so there have actually already been like four years to date with the agreement and so it is really about the reduction in staff experiencing racism as well. Looking at the same place. So how many incidents of racism are generally reported within the directorate each year?

**Ms Krajina:** Thank you for that question. Look, we have very few reports of discrimination in the directorate and if we do receive those, they will be dealt with seriously and resolved through a range of mechanisms. That could be through a misconduct or other investigative mechanism, but very low numbers.

**MS CHIVERS:** We are specifically interested in racism because discrimination can be actually completely separate and different to racism.

**Ms Krajina:** Yes. Sure, sure. From the perspective of racism specifically, we have had no reports.

**Mr Glenn:** We have seen through our staff survey data indications of people's experience of racism and a range of other issues, which indicates that people are either experiencing or witnessing things that are not being reported through formal channels.

**MS CHIVERS:** Yes, and so that is being reported in the staff survey, so what is the directorate looking at doing to prevent that in the future?

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**Mr Glenn:** One of the things we are seeking to do in the response to the staff survey, we will have kind of a general broad whole of directorate response on a number of issues, but within each individual business area there will be more specific responses sort of responses that can drill down into particular issues.

I would really like to better understand the disconnect between people's reported experience and formal complaint, so I would like to work through that with people because I think it is both about understanding what people are seeing when they are reporting that in the staff survey but also what is the barrier that stops people from reporting that. Is it that choosing not to, is that feeling unsupported to do so or is there something else? That is the action on us out of that.

**MS CHIVERS:** Thank you for that. The next couple of questions will be in relation to priority area 4 in the national agreement. So how are you progressing the principles of Indigenous data sovereignty?

**Mr Glenn:** Sorry, I missed the last part of the question.

**MS CHIVERS:** What was that, sorry?

**Mr Glenn:** I missed the last part of your question.

**MS CHIVERS:** How are you progressing the principles of Indigenous data sovereignty?

**Mr Glenn:** Indigenous data sovereignty. I think it is fair to say that this is the least advanced of our work against the priority areas. We are doing a range of work just on the adequacy of our data generally across the justice system and what is available to us. We have processes in place to be able to do evaluations around our justice reinvestment and reducing recidivism targets and evaluations of a range of projects that sit within that program. That is going to generate a lot of data that we will seek to share with all of our Indigenous partners and through the mechanisms of Justice Caucus, Justice Advisory Group et cetera that we have spoken about, but I think it is fair to say that is a work in progress. I am not sure I can take that too much further.

**MS CHIVERS:** Thank you for that. What has your directorate done to appropriately identify Aboriginal and Torres Strait Islander people receiving services in your directorate?

**Mr Glenn:** The challenge in that is the diversity of serves that are delivered, so within the corrections environment, if we start there, we have first a self-identification process of people coming into the corrections environment as to whether they are Aboriginal or Torres Strait Islanders, and how we deliver services to them, so that data is captured in that context.

Within the court environment, again it is a self-identification exercise, and we would probably capture more data about those people moving through the court system who are able to avail themselves of the Aboriginal and Torres Strait Islander-specific services like Galambany Court, et cetera, than we would about the other range of

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services that are delivered.

All of our programs that are directed solely at Aboriginal and Torres Strait Islander people have reporting obligations on our partners to be able to tell us to whom they are delivering the service and how many. Then across the range of emergency services and other things that we deliver to community, we would likely not collect information about Aboriginality unless it is pertinent to the service that is being provided. For example, it may be part of a collection of health information for a paramedic, for example, if it is pertinent to the issue that the individual is having, or it may not.

**MS CHIVERS:** Thank you for that. We are going to be now moving onto the more directorate-specific questions, but prior to that, I do actually want to ask a number of questions that we have actually received from the community, specifically in relation to the recent death in custody that really has impacted the members of our community, so I will start by asking those. Did you as the Director-General immediately notify the ACT Coroner of TJ's death in the ACT corrective custody on 5 August 2023?

**Mr Glenn:** Personally, no. I would ask whether you know from the corrections.

**Mr Johnson:** Yes. We did not notify the ACT Coroner directly. New South Wales Corrections notified the New South Wales Coroner directly, so the relationship at coronial level is between the coroner in New South Wales and the coroner in the ACT.

**MS CHIVERS:** Thank you for that. Why was TJ not given appropriate mental health care whilst a detainee under the care of the ACT?

**Mr Glenn:** I do not wish to be evasive in answering this question, but I am alive to the fact that there will be a coronial process in relation to Mr Dennis's passing, and so I am cautious about treading into that space.

**MS CHIVERS:** Yes, we understand that.

**Mr Glenn:** What I can say is that we sought to provide through our partners at CHS and Justice Health Services appropriate care for Mr Dennis whilst he was within the AMC; and he received different levels and types of care at different times in his sort of journey through that part of the system; and that his transfer to New South Wales was in part to assist his mental health and his wellbeing.

**MS CHIVERS:** While I understand that you may not be able to answer the next couple of questions, I will ask them, given that we have received them from the community. What was the offence that TJ committed that led to his incarceration in the first place?

**Mr Johnson:** That we could probably answer. I might need to get some details of that, though, if we can before the end of the hearing. I am happy to provide that back. Otherwise, I think we can take that on notice. That is a matter of fact and record, I think, on the face of it, so we will try to answer that either before the end or on notice.

**MS CHIVERS:** Thank you for that. How long was his initial sentence?

**Mr Johnson:** I think that will be the same answer. Again, I think we can answer it. It

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would be a matter of public record. I just need to get the detail.

**MS CHIVERS:** How long had TJ been detained in total, that is, in the ACT and New South Wales, before his death?

**Mr Johnson:** Again, it would be a matter of record, so yes, we can get that for you.

**MS CHIVERS:** Fantastic. Thank you. On how many occasions was TJ either assessed or treated by a psychiatrist while detained in New South Wales?

**Mr Johnson:** I think that might be another one that treads a little—firstly, I think the level we would have of that detail would be limited, and secondly, I think that would be something the Coroner of New South Wales would be interested in understanding themselves.

**MS CHIVERS:** Why was TJ not admitted to the Forensic Mental Health Facility at either Dhulwa Secure Mental Health Facility in Symonston ACT or Long Bay Correctional Centre?

**Mr Johnson:** I could not speak for the Long Bay Correctional Centre. There was advice provided in New South Wales and a particular unit in New South Wales that deal with people in Mr Dennis's circumstances. In terms of the placement in the ACT, without jumping around directorates, I think in part that will be a matter for Justice Health to answer in terms of the clinical decision to or not to. I understood it had been considered and a decision made, but I do not have the detail nor the expertise to be able to answer that one, I am afraid. Sorry.

**MS CHIVERS:** Thank you for that. How many visits from a psychiatrist or mental health clinician did TJ receive while detained in New South Wales?

**Mr Johnson:** I think that would fall into the same category. It will be material that will be before the coroner, I would expect, in New South Wales. The detail we would not have.

**MS CHIVERS:** Did the prison officers involved in the hangman disgrace at the AMC personally apologise to TJ?

**Mr Johnson:** I would have to take that on notice. It was prior to my time, and so I would have to take on notice whether they were identified. If they were, I would expect—no, I am getting a shake of the head that they were not identified in the investigation, so unfortunately the answer would be no.

**MS CHIVERS:** The next question—I am assuming, given that you have said it was not known who those people were, you will not be able to answer—but the following question from community was are the prison officers involved in the incident still employed at the AMC?

**Mr Johnson:** Again, I could not be sure in the absence of knowing who they were, whether they have since left or whether they are still there. It had certainly been made very clear that it was unacceptable behaviour and continues to be unacceptable, and it



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is a really important part of the culture of corrections that we make sure that is the culture.

**MS CHIVERS:** The final question in this regard from community is when is the ACT government going to hold a commission of inquiry into the AMC?

**Mr Glenn:** The ACT government at this point does not have an intention to hold a commission of inquiry into the ACT. Government has announced a review into overincarceration and matters in relation to the ALRC Pathways to Justice report. That is the action that has been taken at the moment.

**MS CHIVERS:** How does the ACT stay assured that ACT transfers interstate are well cared for, and what is the process to know when there is an issue?

**Mr Johnson:** I guess without going into chapter and verse, there are a couple of ways people can be transferred interstate. The way we can transfer people to New South Wales is unique in one sense, but the purpose is similar. Careful consideration is always given to transfers interstate, particularly New South Wales, as to the purpose and the value of that for somebody's welfare. It could be a range of things like—and thinking about Aboriginal people particularly—potentially being back closer to country in New South Wales might be an advantage, being closer to family might be an advantage. There are a range of things that we would consider in that context.

We can transfer someone for a temporary period or for the rest of their term of imprisonment, and they can equally apply to come back, and that has happened also. So there are those mechanisms, and of course they are technically under that model still sentenced in the ACT. Their sentence is not transferred interstate.

In the other model, where it is a government-to-government agreement, the transfer of the sentence goes with the person, so effectively all connection to that person goes to their transfer interstate. We are aware of who those people are, and to the extent we can—noting New South Wales Corrections is their own entity and we always will have a limited amount of ability to influence them, but they have some capability just on the magnitude of scale.

Again, in the case I have just spoken about, there is a particular unit that works very closely with people who have very difficult, complex needs, particularly Aboriginal people, that are relatively successful in working in the New South Wales system, so we rely on them. If there are issues, we do hear about them, though, and we can work out what the alternative might be.

**MS MCGRADY:** Did you mean like both models? The person can apply to come back in both of those models you spoke about? Their sentence goes with them—is there still the opportunity for them to come back if they choose to?

**Mr Johnson:** There could be. It would require the same process to be done in reverse, though. For example, if you want to move to Western Australia through a government-to-government agreement, ministers have to agree. It takes longer. And then the process to come back is as equally complex. The relationship we have with New South Wales is that it is quicker to do both ways, particularly considering they are

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still sentenced in the ACT, so on the face of it, we will consider their return to the ACT, and so long as it maintains the security and good order of the AMC, we will bring them back.

**MS MCGRADY:** And in the best interests of the person.

**Mr Johnson:** The best interests of the person. Correct.

**MS CHIVERS:** Members, any further questions in relation to that matter?

**MS MCGRADY:** No.

**MS CHIVERS:** Okay. I will now go onto the other specific directorate questions that the Elected Body have for the hearings. The National Agreement on Closing the Gap justice target is to reduce the rate of Aboriginal and Torres Strait Islander young people 10 to 17 years in detention by 30 per cent, and adults held in incarceration by at least five percent by 2028. What is the current rate of Aboriginal and Torres Strait Islander young people in detention?

**Mr Glenn:** Sorry, we do not have data on young people in detention, youth justice being managed by the Community Services Directorate. We deal with adults.

**MS CHIVERS:** We will raise that tomorrow when we have CSD before us.

**Mr Johnson:** Sorry, Ms Chivers, I have the answer to some of those questions that you asked that I thought I might take on notice, if you are happy for me to read those now, or I can come back to them at a later point.

**MS CHIVERS:** Would members like to hear them now? Which might be good, given that we actually have a lot of community who are watching the livestream of hearings today.

**Mr Johnson:** Sure. Certainly. Mr Dennis entered corrections custody on 3 November 2017. He was sentenced to a range of offences at that time including arson and aggravated robbery in both ACT Magistrate and the ACT Supreme Court. At the time of his transfer in July 2021, he had a total sentence of eight years and seven months to expire on 3 March 2027. He would have been eligible for parole on 2 December 2023. He was, though, subsequently charged with an extra 15 offences, including arson, which extended his sentence and his non-parole period. He would have been eligible for parole on 2 April 2025.

**MS CHIVERS:** Thank you for that. Just in relation to the question that I just asked, taking aside what I said in relation to detention of young people, are you able to tell us more generally what is the current rate of Aboriginal and Torres Strait Islander detention?

**Mr Johnson:** I can certainly do that. In terms of broadly the current situation, as of 13 August, the entire population of people in detention in the AMC was 363. Of those, there were seven female Aboriginal and Torres Strait Islander people in custody and there were 87 males of that 363, which is a percentage similar to what it has been, but

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slightly lower than it had been and lower for women particularly. That is the current situation.

**MS CHIVERS:** How will the directorate, thinking about the national agreement targets that the ACT government has committed the ACT to—how will you actually achieve the targets in relation to Aboriginal and Torres Strait Islander incarceration?

**Mr Johnson:** I can give you a bit of—in terms of where we are currently over the last little while. We have not had the success we would like to, as you know. In terms of First Nations people, the rate of return has come down from its peak, which was in 2017-2018, which was about 67 per cent rate of return. In 21-22 it was 47, which was a slight increase from the year before. Whilst the figures are still being checked, we expect the figure will be slightly below that this year but not by much.

We have seen, though, some progress, albeit the number is bigger in terms of ex-prisoners returning to corrections. There was a 6.8 per cent reduction in male Aboriginal people returning to corrections in the last report. That still was too high a number, so that is positive, but not enough.

There are a number of strategies in place, including how we help people get through—once they are in the system, how they get through successfully. Such things as their parole periods, and I think as you are aware we have been working on the alternative parole reporting model. Now, it certainly had some success in other factors. We are waiting to see the level that it has had success in terms of reducing recidivism in terms of people who have been through that alternative parole reporting model.

We talked about alternative bail, and it is the same process. If we can keep people in a bail environment instead of in a remand environment, we can reduce the numbers, so we think there are some opportunities for us to reduce the numbers further there. You are aware that the government has committed to a trial of, for example—the particular one I am thinking of is electronic monitoring. Part of the basis of that is if there are alternatives to remand, for example, or alternatives for sentenced prisoners in custody, perhaps there are some models that have some good wraparounds that work really well in that context, and some jurisdictions interstate have experienced positive outcomes, so there is future work being done there.

There is a project currently underway to put more focus for us in our connection with community for community corrections more generally, so people who come into community corrections first in their cycle of potential reoffending. If we can stop them coming back at the point of arrival in community connections, whether it be an intensive corrections order or a behaviour order or something more successful.

We have had one of our Aboriginal staff offline for a period of time working on a project that is going to develop a model of care that really focusses on community and how you connect families to that. We are just in the process of recruiting family engagement officers in the AMC. That is for broader, but it will certainly help with the Aboriginal community engagement back to family. There are a number of strategies in place, but I think we have still got to contemplate more work.

**Mr Glenn:** Mr Johnson describes a range of work that we do for people who have

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already come into contact with the criminal justice system and are clients within the corrections system along the way. Also, recognising the sort of intersectionality of all of the work that we need to do, we have programs that seek to assist families whose members may be at risk of coming into contact with the justice system so that we actually are trying to support families in a way that avoids the need to be receiving services through corrections.

We are trying to pick people at different parts of their journey so that those who have already had contact and are coming through the system are able to reconnect with the community and not return, but equally, those who have not yet become clients—to avoid that altogether by providing supports that they may need to pull them away.

**Mr Johnson:** One of those examples I think is the On Country Program that we are just in the process of starting to set up, and perhaps Caroline Marsh might be able to speak really briefly on that, but that is an effort to try to intervene at that sort of 10-to-14-year range—people who may be vulnerable—to try to divert them from the justice system.

**MR WALKER:** Wonderful. I just need to ask—according to the Productivity Commission, their figures are saying that it is 78 per cent. What is the variation in your numbers?

**Mr Johnson:** Because the Productivity Commission has only been published for the last year, and I am talking about—we have just started to cover the numbers for this year. Sorry, for the 22-23 year. Whilst I would not want to hang my hat on them yet because we would still have to properly audit them, what we think at the moment is it looks like there has been a reduction on that number you have just quoted.

**Mr Glenn:** What we are hoping is that we will be able to link that reduction through the evaluations of the programs we have got going—to be able to link the activity in those programs to that result, because what we actually want to determine is what we are doing making a difference? Can we demonstrate that in the data and in people's experience? Because then we know what to do more of; what to let go and do something else.

**MS MCGRADY:** I mean, we are four years into this agreement. Four years, so what is working? How is our next conversation going to be? I mean, there is little improvement, but what is our next conversation going to be like as far as our agreement, closing the gap, the national agreement? What is working, and what will be the visioned conversation we will be having at this table again? Maybe not with us, but new members.

**MR WALKER:** You will be back.

**Ms McNeill:** If I may, one thing I would say is we do not pretend to have all the answers, but one of the pieces of work that the government is committed to is an overrepresentation review. One component of that work will be working with community to try to identify what steps can be taken, so we absolutely acknowledge the importance of listening to community and giving community an opportunity to drive the solutions. That is the other piece that I would point to.

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We can look at the programs we are doing now. We can do assessments of them. We can see what is working and what is not. That is ongoing, but we are also submitting the ACT to a scrutiny process to see whether it has implemented all the things that have come before which have been recommended, and also seeing, in conjunction with community, what more can be done. It is not really just a justice system answer, as Mr Glenn said. It is such an intersectional set of issues that lead to this overrepresentation phenomenon.

**MS MCGRADY:** Yes, and we live those issues.

**Mr Johnson:** I think the importance of the work done at a point prior to arriving in the justice system is a really critical bit, and that is using the example that we just did around the On Country Program. It is small, but there is work in a number of places. Maybe at some point police might talk about the work that they will do in terms of diversion so we do not find them in the justice system. The Children and Young Persons Commission we hope to see help that diversion as well.

**MS MCGRADY:** Excuse me. Was there also a program around probation and parole? Did you mention something?

**Mr Johnson:** Yes, so the alternative parole reporting arrangements. We have now three alternative sites for alternatives for reporting for parole, which just makes it easier to do and less likely to breach. Unfortunately, technical breach is often the reason why people find themselves back in custody, so working to avoid those.

**MS MCGRADY:** And the recruitment in that space of Aboriginal and Torres Strait Islander probation or parole officers?

**Mr Johnson:** Yes, and we have—I am looking at Bruno. Out of those probation we have now two Aboriginal staff working on those alternative sites.

**MS MCGRADY:** Good to hear. Thank you.

**Mr Johnson:** Going back to the original conversation, we have a number of staff across corrections as well able to work with Aboriginal people.

**MS MCGRADY:** Sorry, Member Chivers. Thank you.

**MS CHIVERS:** That is okay. We will continue with questions till quarter to 3, and then at quarter to 3 we will break for 15 minutes and resume at 3 pm. My next question is what is the current role of the Justice Caucus, and when did it last meet?

**Ms Marsh:** Hi. Caroline Marsh. I am currently Executive Branch Manager of the First Nations Justice Branch, and I accept the privilege statement. Caucus has met a few times now since it has been refreshed post-COVID. Its last meeting was on 26 July, so only a couple of weeks ago, and that was an open community forum. The Caucus committee itself met openly at Yarramundi, and community was invited to come to that.

**MS CHIVERS:** Can you also outline what the current role of the Justice Caucus is?

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**Ms Marsh:** Yes, absolutely. The terms of reference were revised by the Caucus itself when it came back together to make it clear what in fact its role was going to be. Ostensibly, Caucus observes the directorate's response to the justice implementation plan under the agreement; checks that we are doing what we are meant to do in terms of the actions. It may also receive other questions or issues from the directorate. The directorate may direct a number of things for consideration.

I am not part of Caucus. I stay kind of a bit remote from it, but members of the branch are, and one of the things that Caucus raised in early meetings was that it did not have good visibility of some of the other larger committees and their action within the directorate—for example, IDC, the Justice Policy Partnerships—and wanted that. So I took it upon myself to create—I have not done it yet, but create a table that just updates Caucus at each meeting, so that will be handed to Caucus members so they are aware of what is happening across a number of these important committees.

**MS CHIVERS:** What plans does the directorate have for the Caucus going forward and under the agreement?

**Ms Marsh:** What it is currently doing—it has been refreshed. It is aware of the current justice implementation plan, and we are all aware that there have been delays in that implementation, largely because of COVID, but the draft has been finalised. It is awaiting formal signoff, I believe, but we are working to it and a number of the actions under that have already been achieved, but Caucus has kind of a draft of that final version.

**MS CHIVERS:** Given that the revised, refreshed Caucus has only had a limited number of meetings, will the leadership of the directorate be meeting with the entire Caucus in the future?

**Ms Marsh:** The Justice Advisory Group, as part of the governance in response to the agreement—we have got Caucus, and then we have got the Justice Advisory Group, which is made up of executives across the directorate who have responsibility for the actions under the plan and the chairs of Caucus. So that group is also being refreshed. It is about to meet, so it is ready to set up. The chairs will be part of that—both Caucus chairs.

Might I point out that one of the changes in the way in which Caucus operates is that there are now cochairs. There is a government and a community representative, so there are cochairs, and both cochairs will be part of the Justice Advisory Group—JAG. They will meet typically a few weeks after each of the Caucus meetings. A criticism in the past has been that there is not enough reporting back to Caucus of what has actually happened further up the line, and that is now being addressed so that there will be that circular movement of information.

**MS CHIVERS:** Thank you for that.

**Mr Johnson:** We would also hope the Caucus becomes one of our key consultative forums. As you know, there is a lot of need to consult, and having a formal process and a body that can help us do that consultation with community will serve us well as we go forward with some of the things that are coming out of Justice Policy Partnership,



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for example.

**Ms Marsh:** In fact, we did that as part of—already we had some documents produced by the JPP which were sent between meetings to Caucus members to review and make comment on. The difficulty we have with a lot of those is we get very short timeframes imposed on us, particularly from the commonwealth, who are running the JPP in particular. That is problematic from a consultation point of view, problematic for government, problematic for community, and these are some serious things that need reflection and discussion. We are working on addressing that with the commonwealth. All jurisdictions are making the same point. It is very hard for them to get reliable and proper consultation happening with proper time to reflect.

**MS CHIVERS:** Thank you for that. What are the outcomes of justice reinvestment?

**Mr Glenn:** Our Justice Reinvestment Program covers a range of activities, and I can take you to a couple of the big ones and some of the outcomes there. Again, the whole thing is subject to a bigger evaluation, which will sort of show us the deeper understanding of what we actually achieve through justice reinvestment.

If I take you through some of the programs, there is the Yarrabi Bamirr Program, which provides a family-centric model of support for people at risk of engagement with the criminal justice system. We have got a total of 23 families engaged in that program delivered by three different organisations.

We have had evaluations of that over time that has demonstrated real impact on being able to provide the supports that those families need to be able to resolve issues as they emerge, be they in relation to child protection, be they in relation to engagement with the criminal justice system, or any range of issues that just require someone to help connect the family to the service, so that people do not sort of miss out on receiving a service that they would otherwise be entitled to, which would enhance their vulnerabilities perhaps where they are sitting on. That has been demonstrated as an effective mechanism.

The Justice Housing Program, which takes a couple of forms—we have a number of houses within our own Justice Housing portfolio which are able to take both men and women—not all of them are Aboriginal or Torres Strait Islander, but there are spaces reserved—who are either exiting the AMC and needing housing support or who are on bail or other community orders that are contingent upon being able to have housing support.

There is a transitional accommodation program that is run by Yeddung Mura for us, which provides for places for Aboriginal and Torres Strait Islander men who are exiting the AMC, and what we are seeing is that people who might otherwise struggle to have appropriate accommodation which would enable either bail, a community order or parole are able to access that, and that means we are able to facilitate either not coming into the AMC or leaving at the earliest possible point to be able to start that journey back into community. That has been I think extraordinarily successful.

There is again an evaluation of that underway. I think the issues that will go to that evaluation is can we better target the support services that go around those people in

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their housing? The housing itself is one thing, but how do we actually support the people in it so that it is the best chance that they have to divert from a path that either sees them going into or coming back to the AMC?

There are a range of things we have in the Justice Reinvestment Program that go to supporting people either on community orders or on bail, so there are two that are run by ALS. One is the Front-Up Program, which is to assist people who might have actually had a bail or community order breach be able to come forward and negotiate an outcome, so that effectively the breach is not compounded by the length of time of being in breach and that resulting in an adverse outcome for the individual.

The Bail Support Program is sort of a front-ended program to say if someone is on bail, how do we find a way to support them to meet their bail conditions so that they do not fall foul of a breach because of other issues?

I will not go through all of them, but there are some highlights. These fit within the continuum of justice reinvestment activities that we have going on. They all contribute towards the reducing recidivism target. The evaluation framework for that reducing recidivism program, which is being developed by the ANU, and is now in the process of being activated so that we will have by the end of this year initial data from that evaluation, and then by the middle of next the final evaluation—that is our mechanism as we went into the Justice Reinvestment Program to say, “We will do this. We will make sure we have got an investment in the evaluation capability so that we will be able to determine the efficacy of these programs.”

**MS CHIVERS:** Basically, what is the impact of all of that activity? For example, how far has that actually reduced the number of Aboriginal and Torres Strait Islander in custody, for example? Like, we are excited to hear about the activity, but from a community perspective we really want to know what the impact is.

**Mr Glenn:** This might ground the numbers. For the Justice Housing Program, for example, we can point to the number of people who would otherwise—the outcome would have been a journey to the AMC but for the housing. I think we can get that number for you. That is a reasonably identifiable one.

The others are anecdotally providing support to people, and we are seeing good outcomes, but we do need the evaluation data to really be able to hand on heart say that this is worth the effort, and it is actually delivering outcomes for people on the ground.

Certainly, the Yarrabi Bamirr has been evaluated and has shown that there are people who have, through the support that has been available from Aboriginal organisations, been able to resolve with that support issues that would otherwise have driven them towards engagement with the criminal justice system or other adverse outcomes for their family, like child protection issues.

**MS MCGRADY:** That data is really, really important. If we were able to take it on notice that would be really helpful, I think.

**Mr Johnson:** I understand the Acting Commissioner might be able to provide some of that in detail, if that is okay.

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**Mr Aloisi:** Thank you. Bruno Aloisi, Acting Commissioner for ACT Corrective Services, and I acknowledge the witness statement. In terms of the Justice Housing Program, from the commencement in May 2020 until I think 8 August, so not long ago, there were a total of 182 occupants accommodated—that is current and exited—in the Justice Housing Program, and this included 158 men, 47 of whom were Indigenous; 22 women, 12 of whom were Indigenous; and two transgender persons, one Indigenous.

I can also provide some information in regard to the transitional accommodation program. Since that service commenced, so between mid-June 2022 and 8 August, we have had six residents in total accommodated through that program. Four of those residents have since exited and two are currently residing in those properties.

**Short suspension.**

**MS CHIVERS:** So we will just recommence the questions. We have actually got a whole of questions to go, but I would just like to note that if we do not get through them all we will actually provide the ones that we do not cover in writing for a response if that is okay?

**Mr Glenn:** Thank you. To that end I think, do you have an answer to a question on notice?

**Ms McNeill:** Yes. Member Chivers, you asked me a question earlier about the availability of the availability of the Care and Protection Legal Advocacy Service and whether it was restricted to people in the ACT. It is actually referable to the ACT's care and protection system, so mostly that will be Aboriginal and Torres Strait Islander people in the ACT, but potentially could be people just outside who have an interaction with the ACT's care and protection system.

**MS CHIVERS:** Fantastic. Thank you for that. So the next lot of questions that I will be asking are actually in relation Galambany Court. So Galambany Circle Sentencing Court has existed of part of the ACT Magistrates Court jurisdiction since 2004. It has sought to involve our people in sentencing, increase their confidence in the process, to reduce barriers and provide culturally relevant and effective sentencing options.

How effective has Galambany Circle Sentencing been to defer or reduce the number of Aboriginal and Torres Strait Islander people moving through the justice system?

**Mr Glenn:** Ms Nuttall?

**Ms Nuttall:** Thank you. Amanda Nuttall, ACT Courts and Tribunal. I acknowledge the privilege statement. I do not actually have figures, aside from those broad figures of reducing recidivism etcetera, but I can talk to—particularly since we have increased the sitting days of the court. You will be aware that government provided some funding in the budget to provide additional sitting days for the Galambany Court, and also sitting days for applications for bail.

So in 2019-2020, prior to those increased days, the average time between a matter being referred to the Galambany Court and being sentenced was 387 days. So somebody may

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remain in custody for 387 from time of referral to time of sentencing. That is now reduced. It takes 39 days from referral to assessment, and then a further 82 from assessment to sentencing. So that is reduced to 121 days, if my maths is correct. So there has been a significant reduction in the number of days in custody, even though we are not necessarily seeing those reductions in the number of people in custody.

The other program, which is the Bail Court, since July 2022 there has been 69 applications to the Galambany Court for bail. Of those, all 69 were in custody. Obviously, you cannot make a bail application without being in custody. 56 people were granted bail, and those bails are also issued from the Galambany Court with a bail support program from the ALS bail program. So they have a support program, and they are working with that program.

Eight people were denied bail, and five people withdrew their application for bail. There was also 18 applications to be re-bailed. So if somebody, for numerous reasons, can come before the court to vary their bail if reporting conditions are not working, etcetera, and they will work with the ALS again, to make sure that the bail conditions that are in place reduce the likelihood of people breaching their bail and maintaining their bail conditions.

**MS CHIVERS:** Thank you for that.

**MS MCGRADY:** Can I just ask a quick—regards to Galambany and these figures you gave. How does Galambany view persons that front up at court that are on family violence, sexual assault charges?

**Ms Nuttall:** Because the Galambany Court is in the ACT Magistrates Court, most sexual offence matters will be in the Supreme Court. The court does hear matters where there are family violence offences, and I am not sure about sexual assault. If there are any low-level sexual offending, I am not sure if they take those so I would have to take that on notice for you.

**MS MCGRADY:** Okay. Thank you.

**MS CHIVERS:** So what is the impact of the Galambany Court on recidivism?

**Ms Nuttall:** We do not have that data. You may be aware that there was a report done, released in 2020, about the cost-benefit of the Galambany Court and it took into account reduced incarceration, but it was not able to determine recidivism.

**MS CHIVERS:** Has the Galambany Court been reviewed? I am sorry, did you want a follow-up to that?

**MR WALKER:** A follow-up question to that is, are you going to correct that?

**Ms Nuttall:** Correct what, sorry?

**MR WALKER:** The recidivism.

**MS CHIVERS:** The data?

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**MR WALKER:** Yes, about the data.

**Ms Nuttall:** How we collect the data?

**MR WALKER:** Yes.

**Ms Nuttall:** We actually, at the moment, we have been undertaking some structural reform within the court's administration. We have established a position that will oversee all of our therapeutic courts to look at evaluating each of the therapeutic courts. So they are the Galambany and Warrumbul Courts, as well as the child protection intensive list. So we will be looking at how we capture data.

**MR WALKER:** I mean, it is only just a couple of years ago it had a review, did it not? Galambany or the other?

**Ms Nuttall:** The review did not look at recidivism. It looked at a whole range of issues. It was called a cost-benefit analysis, it was not really looking at other outcomes. It was looking at the savings and the value of the court itself, and I think, from recollection, it showed that for every dollar spent in the Galambany Court, the system saved three dollars. So that was in custody, housing, child protection, across a whole range of socio-economic issues.

**THE CHAIR:** Can I just say something, Amanda? With the Galambany Circle, it is assessed by Elders.

**Ms Nuttall:** Yes.

**THE CHAIR:** Now, the elders have got connection with community. Do they apply to get onto there, the elders, or is there a process for getting onto there? There is three questions I want to ask.

**Ms Nuttall:** There is a process. We have not run a process since 2020, so it has been some time since the panel has been refreshed. We put out expressions of interest, and people apply. We sometimes have people come off their own bat and ask to be on the panel, but unless there is a formal process we do not—

**THE CHAIR:** Or a tap on the shoulder, as community has been saying. There has been taps on the shoulders about community—

**Ms Nuttall:** Well, I do not believe that to be the case. When the last process was done, there was a panel of 20 people set up, and we draw on those 20 people. So people make themselves available more than others, but they have been through the process. It is not a tap on the shoulder, there is a formal process.

**THE CHAIR:** The reason why I ask, the community has been asking questions of a lot of them being put through Galambany to reduce recidivism. Now, these ones that have gone through Galambany, they have got charges that are to do with domestic violence, and there has been—we had the conversation about what went through them, what the committee members have been talking about, and I think I am a little bit disappointed

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in the process of that.

You talk about domestic violence as high on the agenda, and yet they are going to Galambany Circle and getting off with really light sentence, and the assessment process is not done in the community. Like if I was to sit on that, I know the community. So I know, hang on a minute, I know where each person sits, but there is some assessments that are not aware of that, and this from community talking. This is what community has been saying, and that worries me.

That worries me because then they are going out, then there is repeat offenders. I just do not want this to be used just as a reduce or recidivism, which seems the case. Like, you sitting there saying, “This is how many we reduced and kept out.” For what reason? But yet when you look at it again, certain people, there are repeat offenders, and there are severe charges. So should they be put—and why put the elders in that state, to the do the assessment, were domestic violence and other severe charges sitting in the community?

I just think, I do not know anything about the law, and I do not claim to know anything about the law. The first thing I would be assessing, is it safe to put them back in community? Are they safe? Is the programs or mechanisms that have set up for them to be placed in the community safe? Not just as a way of reducing Aboriginal recidivism in jail.

Put them back, and then no-one, that is, not many programs that support them in the jail, and especially talking about mental health, and drug and alcohol. There is not many at all, and that worries me that when it comes to the assessment, you have got the assessment panel sitting there that do not really know the community, and is just the way that they are using it as it reduces recidivism? Because that is the way it seems to be, when a couple of months later, a bit later, they are back in there in again. So how unsafe it is for them, and it is not right for them either to be going out in the community when there is nothing there for them.

**Ms Nuttall:** If I could just speak to a couple of those things.

**THE CHAIR:** Yes. There is a lot there.

**Ms Nuttall:** The numbers that I gave you before are the reduction in custody for people who are on remand awaiting sentence. So what we are seeing is—

**THE CHAIR:** Can you just repeat them? I was not listening.

**Ms Nuttall:** So the reduction in number of days is a reduction of number of days sitting on remand awaiting sentence. So those figures that I gave you before are not what the final sentence is, and if we are talking about people who were waiting over a year in custody for sometimes offences that would never have attracted that sort of penalty. So that is the reduction I was talking about earlier.

As you will remember from our conversation that we had with Special Magistrate Hopkins, who sits on the Galambany Court, the process of assessing people really looks at whether people are suitable from a whole range of perspectives, including whether



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they will engage with the panel and whether they will engage with services. So at the assessment process, we have Yeddung Mara attend, and the other service is Feros, which is a disability service, so that we can refer people to programs through the sentencing process.

Often the sentencing process at assessment will happen. The first sentencing hearing will occur, and the person will be required to enter into engagement with those services before their final sentencing date, which allows the court to take into consideration how well somebody has engaged in those rehabilitation programs. So it does look at whether people are going to go down the right path. Not everybody does.

**THE CHAIR:** I think rehabilitation programs are working for us, and you were talking about—is it Feros?

**Ms Nuttall:** Yes.

**THE CHAIR:** Are they an Aboriginal program?

**Ms Nuttall:** I do not know the answer to that question, Chair.

**THE CHAIR:** Because then they are non-indigenous services, so what would they bring to supporting Aboriginal—

**Ms Nuttall:** I will just see if I can get an answer to that, but otherwise I will need to take that on notice.

**MS CHIVERS:** Just following up with Chairperson Keed's questions, what are the required skills for the members of Galambany Court?

**Ms Nuttall:** So there is a formal training program that people are put through once they are identified through those expressions of interest. So we put into place that formal training, and then once that formal training program is undertaken, they are assessed as to whether they are suitable to continue.

One of the main focuses of the court is therapeutic in nature, so it is about the elders also being able to engage with the defendants, and having those skills to engage in a way that will provide an opportunity for people to identify perhaps where they have been going wrong and getting the right supports in place. So that is the sort of skills that we are looking for for that role.

**THE CHAIR:** So, those skills, are they therapeutic skills?

**Ms Nuttall:** No therapeutic as in counselling, but certainly—

**THE CHAIR:** Should there not be some kind of therapeutic care, working with the vulnerable people you are working with?

**Ms Nuttall:** Absolutely, and that is the training that is given to them. It is not a four year counselling degree, but it is to provide that therapeutic skill. We also provide, obviously that is really difficult work for people to engage in on a regular basis and we

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also provide counselling services for those elders, so they have got the opportunity to reflect on their skills as well.

**THE CHAIR:** And they have got support afterwards, as needed?

**Ms Nuttall:** Yes.

**MS MCGRADY:** So if a person present, hypothetically, with a family domestic violence charge list, what are the programs or mechanisms for accountability and rehabilitation?

**Ms Nuttall:** Again, Yeddung Mara attend and provide the services. So they will provide those dedicate services to people coming before the court for a range of issues that they might be addressing. Whether that be use of violence, drug and alcohol, etcetera. I will just go back to the question. Feros do have dedicated Aboriginal services that provide services to the court.

**THE CHAIR:** But they are not an Aboriginal organisation?

**Ms Nuttall:** I do not think they are.

**MS CHIVERS:** So has Galambany Court been reviewed since it commenced in 2004 in light of the Closing the Gap and ACT Agreement targets?

**Ms Nuttall:** Not in light of Closing the Gap. The report that was released in 2020, as I said, went to a cost-benefit analysis more than looking at Closing the Gap and those figures.

**MS CHIVERS:** And we are probably more, in this regard, interested in the actual targets of Closing the Gap and the ACT Agreement.

**Ms Nuttall:** Yes. As I said, we are at the moment restructuring so that we have got some skill to do some evaluation of all of the therapeutic courts. You will probably have noticed over the last couple of years that there has been an increase in therapeutic, the way that courts engage with offenders and really we are looking at having some in-house skill to evaluate that and make sure that we are targeting the outcomes that we need.

**THE CHAIR:** I do not know if this has been asked. I just got a community question. How does Galambany, with non-Aboriginal offenders going through the court, is there a process that they have got eligibility forms, are they assessed with elders or?

**Ms Nuttall:** They are assessed with the elders, and there is a form that people are required to fill out. People are not cross-examined, in a way, so what the form is asking for is who your mob are, what your family connections are, and that serves a two-part process. One is that the person is of Aboriginal descent, they identify as Aboriginal.

They will not always have the Aboriginal community recognition, because a lot of people have been disconnected from family. So that is the other part of what that form is trying to do, is to try and get some idea of connection so that through the court

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process, people can be reconnected.

**MS CHIVERS:** Can I just ask why you refer to them as elders when we know that a number of the Galambany Court members are not elders? So why do you refer to them as elders when they are not elders?

**Ms Nuttall:** That may be my error. My apology if that is not the correct term. They are not all people from Ngunnawal, like traditional owners of Ngunnawal country.

**MS CHIVERS:** Well, I am an elder, but as I said, I know that they are—like, for example, I am an elder, but knowing people who are members of Galambany Court, I know that they are not what we would classify as being an elder. For example, whether it be a traditional custodian or an elder from somewhere else across the country, but I think it does confuse a lot of community when they regularly hear the members of Galambany Court referred to as elders when there is proportion who are not actually elders.

**Ms Nuttall:** Look, that is something that I am really happy to learn more about. It may be that I am using that word incorrectly, or that the court in fact is using that word incorrectly. So we are really happy to take that feedback and have a look at how that—

**MS CHIVERS:** So, I think from community it is about whether there is another way to refer to them or name them, etcetera.

**Ms Nuttall:** Perhaps. Without putting words in people's mouths, I can certainly take that back to the court and look at some terminology.

**THE CHAIR:** But is that not what Galambany was based on, with elders?

**MS CHIVERS:** And if that is the case, why has it moved to people who are not elders.

**THE CHAIR:** Because when you go back to look at it, what did you say?

**Ms Nuttall:** 2004. We are coming up for 20 years.

**THE CHAIR:** 2004, yes.

**Ms Nuttall:** I do not know what the genesis of the panel was.

**THE CHAIR:** Maybe, Amanda, we should be looking at another review.

**MR WALKER:** Maybe a review is probably one of the things that is warranted.

**THE CHAIR:** I think so.

**Mr Glenn:** I suspect if there is looseness in our language now, it would have been worse in 2004. So I think we need to take that away and have a look at it properly.

**MS CHIVERS:** Thank you. My next series of questions will actually be around corrections, and specifically in relation to the AMC.

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**Mr Glenn:** I will just get the Acting Commissioner to come to the table.

**MS CHIVERS:** Has the AMC implemented comprehensive training on racism?

**Mr Aloisi:** Thank you for the question. Look, I think it would be challenging to say that we have implemented comprehensive training on racism. As was spoken out earlier, we do, like other members of JACS, participate in training around cultural awareness more broadly. So we have our generalised cultural awareness training, but we also have specific training for correctional officers in terms of the core training that was developed by IATSI, which was rolled out to our staff.

**MR WALKER:** Because we are interested in that obviously because of the incident around young TJ. Not recent, but the incident involved around about the hangman on the wall, and a few years back we had somebody here who could not answer those questions for us, because some of those questions that came from a member of the community about those officers that were involved in that, it was just around that introduction of cultural training.

The feedback from people who are residents out there, to elected body and other community members around the constant verbal abuse from officers and—what do you call them? The term is my memory, but—which obviously renders not a very safe place for our people who are living out there at the moment. So we are interested in any kind of move towards introducing that kind of training for staff, and how is that training introduced if you are applying for a job out there?

I know that they are talking about—every time I hear the ads about asking Aboriginal people to apply for jobs out there and given some of the feedback and the comments about the kind of hostility that is in the staffing ranks out there, it is not a very safe place to go and want to work. And through your admission, the whole of JACS want to be employer of choice option, and with that kind of abuse that our people out in the jail is receiving, certainly people do not want to go and work out there.

So we have been asking for a while now about that training, and we have not got a clear answer about any sort of attempt at taking cultural integrity—because the ACT government is now adopting the cultural integrity framework, and there is not even any mention about you guys taking that on in that respect.

**MS CHIVERS:** And at our last hearings in March 2020, when Jon Peach, a whole series of questions about the hangman incident etcetera, he did actually say to the elected body that comprehensive racism training would be happening soon. And so given that is over three years later, has it happened? Will it be happening? As Maurice just said, we do not seem to get a clear answer when we ask that question.

**Mr Aloisi:** Look, and apologies if I am misunderstanding. I think in terms of a comprehensive racism training, I suppose all I could point to is the training that we do around cultural awareness and the core training which we do, which is specific to corrections, which I think talks more in-depth to the issues that, say, a correctional officer would need to be cognisant of, working in that environment.

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But those trainings are mandatory for our staff, so in terms of the specific core training by IATSIS, that was rolled—

**THE CHAIR:** Bruno, can we just say Aboriginal and Torres Strait Islander people, instead of ATSSIS please.

**Mr Aloisi:** Sorry. Apologies.

**THE CHAIR:** Yes, no acronyms. Thanks, Bruno.

**Mr Aloisi:** Sorry, I was referring to the institute of study, sorry.

**THE CHAIR:** IATSIS.

**Mr Aloisi:** That is IATSIS, sorry. Apologies. So we have had a number of staff—so I can give you, for example, the numbers that I have at the moment. There are two modules attached to that training, it is an online training, I should point out. We have had 206 of our staff complete the first module, and that is at the date of this update. In terms of the second module, we have had 185 officers complete that.

So absolutely acknowledging that there is a lot more work to do, and training is only one element when you are dealing with systemic racism. It is not just about delivering training, as we know. So I think we need to consider this in the context of, I suppose, broader initiatives across the agency. So whether that is what we do in terms of workforce recruitment, retention, how we are developing our staff, how we are growing out Aboriginal and Torres Strait Islander workforce as well.

I think those things all tap into it. How we use our frameworks to inform how we develop our policy, making sure that we are consulting with Aboriginal and Torres Strait Islanders and getting that expertise into the development of our policy. In terms of how we grow our leadership, in terms of Aboriginal and Torres Strait Islander within our organisation, that is something we are very focused on.

So I think training is one element, sure, but we know it is not a panacea when dealing with racism. We really need to look across the board.

**MS CHIVERS:** Thank you. So what is the directorate doing to prevent the increasing numbers of Aboriginal and Torres Strait Islander detainees?

**Mr Glenn:** I think, as we have talked about, a range of the programs and initiatives we have to be able to reduce recidivism but also reduce people entering the criminal justice system in the first instance. I think it is also worth reflecting on that our detainee numbers are actually decreasing over time, so we actually have in real numbers fewer detainees and fewer Aboriginal and Torres Strait Islander detainees now than we have had in the past.

The proportion of detainees who identify as Aboriginal or Torres Strait Islander has remained reasonably static, but there is a decrease over time, so while we do not have the data to draw the link between activity and outcome, we are certainly seeing that increase, which is different from what is being experienced in other jurisdictions.

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**MS CHIVERS:** Thank you for that.

**Mr Johnson:** I think the one thing—sorry. The one thing I would think to note in terms of the numbers is in every jurisdiction remand populations are going up as a percentage of the normal population, so when you look at just sentenced Aboriginal—so at the moment there is not a sentenced Aboriginal woman in custody. There is only remand women in custody. So there is, for me, a body of work we have still got to do, as we continue to do, in terms of looking at options for remand, as every jurisdiction is doing.

**MS CHIVERS:** Thank you. How many elders are participating in the AMC's visitation program and are they being supported to do so?

**Mr Aloisi:** I would have to take that question on notice, I am sorry.

**MS CHIVERS:** Yes, thank you Bruno. How has JACS provided information and support to all Aboriginal and Torres Strait Islander detainees at the AMC and their families about parenting programs and family case conferences?

**Mr Aloisi:** So I can probably speak to a couple of the programs that are run out there in terms of parenting programs, so we do have a—I am just trying to find it. We do have the Family Engagement Program and so this is where detainees are offered or given the opportunity to meet in a culturally safe location for a meal gathering with other incarcerated extended family members including kinship relatives and partners.

We have the Mothers Family and Culture Program, so that is building and maintaining familiar relationships between mothers who are incarcerated and their children. We have the Strong Fathers Program. That builds and maintains familiar relationships between incarcerated fathers and their children as well. So they are just a few of the programs that are run. We also—

**THE CHAIR:** How often do those programs run, Bruno?

**Mr Aloisi:** Sorry, what was that?

**THE CHAIR:** How often are those programs run?

**Mr Aloisi:** I have got the figures in here, I believe.

**THE CHAIR:** Are they weekly, fortnightly?

**Mr Aloisi:** So it depends on the program. Some are just quarterly, some are biannually, generally during—what it has got here, during the ACT school holiday periods.

**THE CHAIR:** And they are run by Aboriginal services, delivered by Aboriginal services?

**Mr Aloisi:** It has got, yes, facilitation by Aboriginal and Torres Strait Islander services—that might actually be referring to our services—and a contracted service provider, but we can confirm that.



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**THE CHAIR:** You do not know who that contracted provider is?

**Mr Aloisi:** I have not got it on my table, but I can provide that.

**THE CHAIR:** Thanks, Bruno.

**Mr Aloisi:** The other thing I was just going to quickly reference was the family days which we have out at AMC, so these are—we run two specific—we run six—

**THE CHAIR:** The one that almost did not happen?

**Mr Aloisi:** Thanks, Tanya.

**THE CHAIR:** That one?

**Mr Aloisi:** That is right.

**THE CHAIR:** Do not you worry, I am ...(indistinct)... [3.34.10].

**Mr Johnson:** It was always going to happen. It was always going to happen.

**THE CHAIR:** No, no, no. It only took a couple of phone calls for that to happen. Come on. I seen—yes. No, that was not going to happen. That was already panned out for something else, them four.

**Mr Aloisi:** But yes, I think the coordination perhaps with the NAIDOC event was probably something that is debateable, but in terms of running those family days, it is something that we have committed to, having two family days specifically for Aboriginal and Torres Strait Islander families, so an opportunity for detainees—

**THE CHAIR:** I think that was just a diversion, Bruno, to take off the big one that was not going to happen.

**Mr Aloisi:** Not sure I would comment around that.

**MS CHIVERS:** So can I just ask, how many detainees have actually undertaken these parenting programs?

**Mr Aloisi:** Sorry, apologies. I will have to take that on notice.

**MS CHIVERS:** Yes, thank you. And how many detainees have participated in case conferences?

**Mr Aloisi:** Yes, apologies again. I will have to take that on notice, I am sorry.

**MS CHIVERS:** Yes. And then my next question in relation to all of that is how many detainees have regular contact with their children if they are in the out of home care system?

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**Mr Aloisi:** Again, I would have to try and get that information out of session.

**MS CHIVERS:** Thank you.

**Mr Johnson:** May I just ask, when you are talking about case conferencing, in what context?

**THE CHAIR:** Family group conferencing right?

**MS CHIVERS:** Yes.

**Mr Johnson:** Sorry, say that again?

**THE CHAIR:** Family group conferencing.

**Mr Johnson:** Right, yes.

**MR WALKER:** I have just got a couple of questions while we are still on Corrections.

**MS MCGRADY:** Yes, I just got one too.

**MR WALKER:** I got a message from a community member, one of our leaders, and she has given the okay to use her name, so you are all familiar with her. Julie Tongs. She writes:

Why did Julie have to remove her bra on a personal visit on a Saturday in July, the day before attending a meeting with the Acting Commissioner Bruno, Narelle and Katie and two other attendees? She had the same issue and was let through the door. If that is the way you treat elders in our community—

Yes. It is one of those things that we have got a leader, a community—you know, a very important person in our community, very good advocate for our people in AMC and obviously was on a personal visit and asked to have her bra removed to go into the cell, so surely there can be some other dignified way of scanning, given that we know that—obviously as men, we do not know that problem, but as women, there is obviously wiring in some materials, so that is really embarrassing for some of the elders in our community and particularly some of our leaders, so what are you doing to address that?

**Mr Aloisi:** First of all, I appreciate Julie has sent that question to you. I will not talk specifically about Julie's circumstances, but I will answer more generally, so I understand the issue and identify that it is an issue that has been raised previously as well. It relates to underwire bras and going through the scanner and the need to potentially remove them.

The things I will point out is that people are advised prior to the visit that that is the case, that we advise people not to wear underwire bras for that purpose, but appreciating that some people might need to wear them for specific reasons, including health reasons sometimes, and we do make allowances where we have got medical certification around that.

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Look, I think the issue is something that we are reviewing at the moment. As I said, other than the story you have related, it is something that has been raised with us and we are looking at other jurisdictions and what they do in this space. The reason we do it obviously relates to—it is a security reason primarily in terms of how people might—you know, what people might conceal, but acknowledging that it is something that we definitely are reviewing at the moment because it has been a concern raised.

**MS MCGRADY:** So are people aware of that before they go to visit?

**Mr Aloisi:** Yes, my understanding is when people are attending, particularly they are advised not to wear an underwire bra.

**MS CHIVERS:** Okay, thank you.

**MR WALKER:** Just to point out that Julie has not—that was not a—like, she is a regular visitor to the jail, so it is like people know her by now, surely. And it is good you are reviewing that process.

**MS CHIVERS:** We were advised that when I was—

**MR WALKER:** So the other question I want to ask is from another community member. Does AMC provide life limiting illness or palliative care workshop, services or programs for care for Aboriginal and Torres Strait Islander people within the ACT AMC? When will or are you going to consider this as a priority moving forward and ensure that workshop, services or programs can be run to provide culturally responsive training workshops and information for detainees?

**Mr Aloisi:** Look, I think that might be—I am not sure if I have understood the question, but that might be something that we would have to discuss with our health colleagues. I would imagine they would be taking—it would be difficult for me to answer that, apologies.

**MR WALKER:** Okay, so you will take that on notice?

**Mr Aloisi:** Yes.

**THE CHAIR:** Just another couple of questions. Just going about Julie, she has been there many times before without the—just because you are going to follow up anyway, and why was it not an issue the next day when she went out for the meeting?

**Mr Aloisi:** Yes. I think it is important that the consistency is there. I cannot speak to specific circumstances.

**THE CHAIR:** I have got another one here. Why are Winnunga staff treated differently to other staff? Why can other services walk around freely and give detainees paper and string to make cards, when Winnunga cannot even get a Christmas card in without a fight? Just to follow on from the bra, does she need a medical certificate to go in next time?

**Mr Aloisi:** No, I was just saying there might be some circumstances where people for

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whatever reason do not go through the metal detector. They might be wanded, and then usually there might be a medical reason for it.

**THE CHAIR:** Okay. That one about the Winnunga stuff is a different message, though.

**Mr Johnson:** I would probably say just in relation to that I think now we are probably six to eight months into what we are calling the Detainee Health and Wellbeing Oversight Committee, which effectively is just Julie's position as the CEO of Winnunga; Kate McKenzie as the Executive Director of a range of letters that I cannot remember what they all mean; and the Commissioner of Corrections.

Those sorts of concerns I think we could really pick up in that forum, because we really want to make that work. I think we have had some success recently on some space for Winnunga that came up in the context of that committee, and pretty quickly we have turned it around. I have just seen a photo of some work being done on a space in Hume Health Centre. So I think we have got a mechanism now. I hope we can address those concerns. There should be the committee operating at the really local level, which is a connection between the three agencies to make sure whatever happens, happens consistently and appropriately.

**MS CHIVERS:** I have a couple more questions in relation to AMC. Over the last two years, how many Aboriginal and Torres Strait Islander women detainees have given birth while in custody?

**Mr Johnson:** That might have to be one on notice. There are a couple of women who have given birth. I think they were Aboriginal women, but I would have to take that on notice.

**MS CHIVERS:** Has there been an increase in the number of families engaged with formal parenting and family support services for detainees and on post-release?

**Mr Aloisi:** I think that would be again one that we would have to take on notice to work out whether there has been an increase.

**MS CHIVERS:** My next question in relation to the AMC is has there been an increase in the number of Aboriginal and Torres Strait Islander detainees accessing prison to work initiatives?

**Mr Johnson:** I would expect there to have been, particularly on the back of COVID, but I could not quantify it.

**THE CHAIR:** Is that program still going?

**Mr Johnson:** The program still going?

**THE CHAIR:** Yes, the work initiative. The prison to work initiative.

**Mr Johnson:** My understanding is it is still a program.

**THE CHAIR:** I do not think it is active, though, is it?

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**Mr Johnson:** I would have to take that on notice. There certainly is a lot of work going in—putting prison to work aside—getting people out of custody and on into work programs. Whether it is in the auspices of that program or not we could clarify for you.

**Mr Aloisi:** My understanding is it is still going but the numbers are low.

**THE CHAIR:** That is the one where they are outside in that transitional house. Is that the one?

**Mr Johnson:** The transitional release centre?

**THE CHAIR:** Yes.

**Mr Johnson:** The transitional release program is—

**THE CHAIR:** But that is something else now, is it not?

**Mr Johnson:** No, it is opened. It has been operating. We can give you some material on the numbers that have gone through. I do not know whether we have separated for Aboriginality.

**Mr Aloisi:** Yes. We have got ten people at the moment, two of Aboriginal and Torres Strait Islander background.

**THE CHAIR:** And for women, there is nothing in the back of your mind for women, or starting up new prison to work initiatives for women?

**Mr Aloisi:** Look, I think in terms of a transitional release, I think there is a bigger conversation about how we look at that, and probably as part of the last budget it might be where we are being funded to have a look at a feasibility study for a masterplan for the AMC, so that amongst other things will take into account what we are doing around those issues around women and reintegration.

**Mr Glenn:** There is a distinction, though, between people who can access a transitional release centre—a physical building—and those who can go on the transitional release program, and certainly that is available to women. It is the physical location that is different.

**THE CHAIR:** Even the drug and alcohol rehab—what is in there? What is it called?

**Mr Johnson:** Solaris?

**THE CHAIR:** There are none for women, though, are there? There is not Solaris for women.

**Mr Johnson:** There have certainly been drug and alcohol programs run in recent times for women.

**THE CHAIR:** But nothing specifically where that one is where they stay in the little

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pod, and they get—

**Mr Johnson:** The therapeutic community.

**Mr Glenn:** No.

**THE CHAIR:** The therapeutic, yeah.

**MS CHIVERS:** I am going to move on now. We have got some emergency services questions, and then following that we will do the ACT policing questions.

**Mr Glenn:** I might invite Mr Flynn to come to the table.

**Mr Flynn:** Good afternoon.

**MS CHIVERS:** I think last hearings we may have only had one question, so we have tried to make it a bit better this time around so that you were not sitting there just waiting for one question.

**Mr Flynn:** Sure. Okay. There is not a badge for me. My name is Paul Flynn. I work with ACT Fire and Rescue, but I am here on behalf of the ESA Commissioner this afternoon. I have read the privilege statement.

**MS CHIVERS:** Fantastic. If you find that the questions we have got you cannot answer, just please take them on notice. That will be fine.

**Mr Flynn:** Sure.

**MS CHIVERS:** My first question is how many participants of the IFARES programs complete the training, and how many have secured full-time employment in the ACT?

**Mr Flynn:** Right. That is a strange little question. We actually have some that come directly through the IFARES, and I will explain the IFARES program if needed. If not, I will assume that you understand what it is. The IFARES program is run by New South Wales. Some firefighters that we have with us have actually completed the IFARES program but have still entered Fire and Rescue through the usual community-based recruitment process. Others have come through via the IFARES program, and that was six. I believe part of your question is how many have passed, and that would be 100 per cent.

**MS CHIVERS:** How many have secured full-time employment?

**Mr Flynn:** Sorry. Six have been referred through, but I am aware that more than that have done the IFARES program but have come through the usual community-based recruitment. We have around ten Indigenous firefighters at the moment.

**THE CHAIR:** Ten firefighters?

**Mr Flynn:** Ten Aboriginal and Torres Strait Islander firefighters.



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**THE CHAIR:** Wow.

**MS CHIVERS:** That is awesome.

**THE CHAIR:** In the ACT?

**Mr Flynn:** In the ACT with ACT Fire and Rescue. That is correct.

**THE CHAIR:** Outside? No, I was talking before. I just caught the last tail end of it.

**MS CHIVERS:** That is really good.

**THE CHAIR:** Are they fully trained and everything like that? Ready to go?

**Mr Flynn:** Fully trained. They are out there now. They are doing great things with our community. They are engaging a little bit with Parks and Wildlife Service as well, and yes, they have been fantastic.

**MS CHIVERS:** Have you been learning a bit about cultural burns? Is that part of firefighting?

**Mr Flynn:** Not so much Fire and Rescue, but certainly ACT Rural Fire Service and ACT Parks and Conservation Service, who I am not speaking for, but I will mention that they are doing cultural burns. From within ESA, ACTRFS have been doing cultural burns—I have a little bit of information here—with the Birrigai Outdoor School. They have an experienced Ngunnawal custodian, which is Adrian Brown from Bidgee Brown Consultants, who implements the burns with the support of ACT Rural Fire Service.

Since the initial burn when they started this, a number of small burns have been undertaken with the support of ACT Rural Fire Service. This partnership with Birrigai is now setting the standard for other groups and land managers who are interested in continuing to contribute to cultural land management on their respective properties.

**MS CHIVERS:** My final question is quite a long one, so I will read it out in its entirety, but please feel free to ask me to repeat it if necessary. As part of the national agreement priority reform 3, how is the ACT government moving towards engaging with Aboriginal and Torres Strait Islander representatives before, during and after emergencies, such as natural disasters and pandemics, to make sure that government decisions take into account of the impact of those decisions on Aboriginal and Torres Strait Islander people and Aboriginal and Torres Strait Islander people are not disproportionately affected and can recover as quickly as other Australians from social and economic impacts.

**Mr Fin:** It is a good long question, and I would like to take that on notice to give you a good answer to that one because I do not have a good answer for you right now.

**Mr Glenn:** I can give a little bit of context around that. There are—so following the 19-20 bushfire season, the Royal Commission into that disaster had a number of recommendations that went to engagement with First Nation's People around the impact of disaster recovery and in preparedness for bushfires. The ACT has been

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leading a body of work under that mechanism which is about land management effectively.

We also have within our strategic bushfire management plan, which is the overarching document as to how we manage bushfire risk in the territory, a recognition of the significance of, firstly, Indigenous land management but also the cultural and heritage significance of parts of the ACT that need protection. So that is a dimension.

More broadly in the community resilience and recovery space, the security and emergency management division which sits within JACS has been doing a body of work around resilience and particularly the domain of recovery and how we better equip our community to be able to recover from disaster, acknowledging that climate change and other issues means we are going to confront more of these types of incidents.

That work is continuing but certainly we would seek to have an Aboriginal and Torres Strait Islander lens over that as we have when people with disability and people with other vulnerabilities and the particular impacts that disaster may have on them, and the response that community has to support them through the recovery process.

Finally, the multi-hazard advisory committee which used to be known as the bushfire council is assisting us and will assist us further with that resilience and recovery work. There is a place on the council that is designated for an Aboriginal and Torres Strait Islander member. That position is not filled at the moment. We are seeking everywhere we go to find someone to come on and I have put out the call now. If people are watching and they would like to participate in that, that would be great because that is a really important advisory body to government to talk about how we grapple with some of these issues, and it is currently missing an Indigenous voice.

**MS CHIVERS:** Thank you, and thank you for your responses as well. We will now move on to ACT Policing but I will just say, as mentioned at 3 o'clock that we did not have an opportunity to ask all of the questions we had for JACS so the ones that we did not get to we will provide in writing.

**Mr Gaughan:** Good afternoon. Neil Gaughan, Chief Police Officer, and I acknowledge the privilege statement.

**Mr Boudry:** Doug Boudry. I am the Deputy Chief Police Officer and I also acknowledge the privilege statement.

**MS CHIVERS:** Thank you. So my first question is how are JACS and ACT Policing working together to implement diversionary programs for the Aboriginal and Torres Strait Islander community?

**Mr Glenn:** If I start with a couple of diversionary programs that are available, including the restorative justice program from which referrals can come from a number of sources, including ACT Policing and the court and other areas. I think the other range of issues that we have probably canvassed already, things like raising the age of criminal responsibility, addressing some of those issues around bail, and the various therapeutics courts, to go to that court front-end process.

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Otherwise, we have a very strong and collaborative relationship with ACT Policing, particularly through lots of mechanisms, including the justice reinvestment and reducing recidivism government structure.

**Mr Gaughan:** I think one of the other things we do is through the drug and alcohol diversions, instead of people going to court for drug or alcohol-related offences, we refer them into the health system instead. So that has been quite successful. There are a number of programs that we deliver there including the youth and alcohol diversion—adult alcohol diversion and illicit drug diversion, and we work very closely with the ACT Health Directorate in relation to that, and obviously as a result of some changes that are taking place soon in relation to the Drugs Dependence Act we are redrafting the ACT drug strategy action plan with ACT Health for 2022-2026.

During 2022-2023 we submitted 184 referrals to the early intervention and drug diversion program. This is including obviously all persons, not just First Nation's persons. There would be a percentage of First Nation's persons included in that. I think Richard has already spoken about raising the age of criminal responsibility but also obviously divert people away from the criminal justice system, something that ACT Policing is very supportive of, as we are in relation to the Drugs and Dependence Amendment Bill 2021 which will obviously see people not go through the criminal justice system for possessing small amounts of drugs.

I think we all agree that addiction needs to be treated as a health issue. It is not an issue for law enforcement or indeed the justice system.

**MS CHIVERS:** In 2021 Michael Manthorpe released a report into the way ACT Policing engaged with the Aboriginal and Torres Strait Islander community. Have all recommendations been implemented, and what is their outcome?

**Mr Gaughan:** They have not all been implemented, and I think unfortunately due to things such as COVID we got caught a little bit behind. I have subsequently had some conversations with the new Ombudsman Iain Anderson in relation to the outstanding recommendations, and there are probably a couple of those I would like to update the committee on today. Probably the main body of work we are looking at is basically solidifying our administrative framework for how we actually deal with First Nation's persons.

In June this year I signed an agreement with education training management perspectives to actually deliver a strategic plan and sub-plan, review the role of our First Nation's liaison officers, and also put in place which I think is really important a monitoring and valuation framework. I know the committee has spoken about that earlier today.

Stage 2 of that package will also look at the same company delivering and evaluating a First Nation's cultural literacy program which is updating what we have been previously delivering over a number of years. That program will be rolled out towards the end of this year, and indeed throughout next year, and seeking to deliver that to all of our sworn police officers in the coming years. That should then basically see all those recommendations implemented.

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**Mr Glenn:** I note that the implementation of those agreed recommendations is one of the actions under our phase 2 agreement implementation. That is how it will be tracked and reported through that mechanism.

**MS CHIVERS:** So there is an ACT Policing specialist family violence unit that is trained to work with families, perpetrators and victims—when we talk about families. So how has this group changed the way they work with the Aboriginal and Torres Strait Islander community.

**Mr Gaughan:** So every manner of family and domestic violence, and I will just give you an idea of how many cases there are a year. It is really troubling. So last financial year, flagged in our case management system we had just over 4,000 matters that were flagged as family violence, and that is across obviously First Nation's as well as the broader community.

Every one of those cases as determined by police officers to be an issue in relation to family or domestic violence is reviewed by that team, the team of a sergeant and half a dozen constables, and they put plans in place to actually try and manage both victims and also the alleged offenders to ensure that appropriate mechanisms are put in place to protect the victims but also, and I think as importantly, to manage the alleged offenders going forward so we do not see a repeat of their actions.

I do not have a breakdown in relation to those 4,000 as to what the breakdown is because our system does not allow us to do that, but it is something we take very seriously. It is something we are working very closely with our domestic partners on, primarily through the Australia New Zealand Police Advisory Agency where we are looking at best practice in relation to how to deal with this particular really challenging issue.

Between sort of family violence and mental health, it is probably something that takes up about 70 per cent of our resources, and not necessarily all of these matters obviously result in a criminal charge.

**MS CHIVERS:** Thank you. So the ACT Policing website refers to a number of different committees and reference groups. One of those referred to is the Aboriginal and Torres Strait Islander reference group. What is the status of that group?

**Mr Gaughan:** It has been awhile since it has met, so it is basically an advisory group to me. It does meet from time to time. It has met this year but it does not meet as regularly as I would like it to. I am happy for anyone here who wants to be involved in that group to put their hand up and I am happy to send you an invitation. It is not a closed shop, I am very clear on that.

It is basically to provide mostly strategic advice in relation to issues that are affecting their community, and it is important that I hear from the community leaders, so that is why I re-established it, but again I think it is fair enough to say, Ms Chivers, that it needs to meet more regularly. As I said, I am more than happy for anyone here to become a member of the committee, and I will make sure you get an invite.

**MS CHIVERS:** Just in relation to that, then, what is the actual membership currently?

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**Mr Gaughan:** Look, it is a couple of senior elders from the Ngunnawal elders and also a member of the Torres Strait Islander community as well.

**MS CHIVERS:** And as part of what that reference group does, I guess is there any like shared decision-making like with community through that focus group.

**Mr Gaughan:** Look, it might seem like minor things but certainly things like we had a conversation around they wanted all of our police stations to have the Aboriginal flag displayed, and we did that. They are not symbolic but they are things to say that we are connected to community. We have had some conversations around during NAIDOC Week wearing patches on our armbands and putting designs on our police vehicles and things like that.

Certainly in relation to any cultural training we roll out that it is my expectation or what will happen is that that community will actually have an opportunity to review it and have an opportunity to say whether or not we are on the right track. So they actually are actively involved in delivering better outcomes for the community.

**MS CHIVERS:** Thank you for that. So since the 2020 ACT elected body hearings, what has been the arrest rate for Aboriginal and Torres Strait Islanders in the ACT?

**Mr Gaughan:** Yes, I do have some statistics on that. So I have the numbers. So First Nation's apprehensions over the last—since 2018 to 2022-23 there has been a 6.8 per cent increase. For non-First Nation's People there has been a 10.2 per cent increase. I might note we have had a fairly significant population increase during that period so I would not draw too much of a nexus to that.

I think I will note that First Nation's in the last financial year that I have figures for accounted for 15 per cent of all apprehensions, and an apprehension is defined as persons arrested, persons summonsed, persons issues with a court attendance notice, persons criminally cautioned and persons referred to restorative justice. So it is not all people that actually end up in the court system. It does not include traffic infringement notices or cautions for the same type of offending.

What we have seen particularly over the last couple of years is I think a good news story in relation to the reduction of crimes against the person, quite substantially—I mean unfortunately an increase in crimes against the person but a significant decrease in property crime over those reporting periods.

**MS MCGRADY:** So out of that 15 per cent, what is the rest of that cohort? Is the 15 per cent the highest—like, I mean—

**Mr Gaughan:** In relation to other groups?

**MS MCGRADY:** To the 15 per cent that you just mentioned about being arrested. Was it 15 per cent?

**Mr Gaughan:** 15 per cent of all persons arrested have identified as First Nation's persons—15.

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**THE CHAIR:** Can I just ask a question about—Richard was saying about the restorative justice. Restorative justice is participate in a conference and complete the terms of agreement, the matter will not be taken any further by police; is that right? Is that the diversion program where you send them?

**Mr Glenn:** Yes, as a police diversion, yea, that is the diversion.

**THE CHAIR:** And that is just a one-off?

**Mr Glenn:** And that can happen from different parts of the justice system as to whether that is the outcome for the individual.

**THE CHAIR:** So there is no long-term diversion program in the ACT, is there, to support Aboriginal and Torres Strait Islanders. It is just that there to say that if you go on to that and the crime—then police will not—

**Mr Glenn:** So I think there are a range of diversions that available and they have potentially different programs attached to them so that that one is through the restorative justice path link, so yes, I was mentioning some of the drug-related ones which essentially is putting people into the health system.

**THE CHAIR:** So you have got the crime, they are drugs, and it is right what you said, the addiction is a health concern.

**Mr Gaughan:** Correct. I mean, there are just cautions as well. We come across people that do shoplifting or something like that and we will just caution them. Hopefully that is enough.

**MS CHIVERS:** So you were initially appointed as Deputy Commissioner in 2020 just after our hearings of that year, and on your appointment had said that you would specifically—or that you would be working specifically on reducing road trauma and recidivism, and so how has ACT Policing reduced the experience of road trauma for the Aboriginal and Torres Strait Islander community?

**Mr Gaughan:** It is a really good question. Unfortunately, we have not been overly successful, certainly not last financial year or last calendar year I should say. Unfortunately, we had 18 people die on our roads last calendar year which is about 300 per cent increase and a three year rolling average, so it is a terrible statistic.

This year we have only had two fatalities. When I say “only”, my heart does go out to those people who have lost loved ones and it is a tragedy. A lot of it has to do, Ms Chivers, with sort of education and getting out there in the community and actually saying we are doing road policing, that we are actually—not only are we enforcing the law but we are actually trying to be guardians of the community in relation to the way we actually treat victims of crime but also the broader community in relation to the road issue.

A lot of the education actually is outside of policing activity as well. So I think it is important that schools are involved, that parents speak to their kids in relation to that. But road trauma, we all drive on the roads here in Canberra, and I think we have the



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best road system in the country by far. Two fatalities is too many. The 18 last year was absolutely a tragedy.

**MS CHIVERS:** So just following on from that question, how has the ACT Policing reduced recidivism in the ACT?

**Mr Gaughan:** Recidivism is one of those challenges. I mean, for us I suppose we are at the end of the justice system almost. I mean, people come to us or come into our care, if you like, when they are probably at their worst. I think there needs to be—and I think the other committee members on this side of the table have already sort of alluded to this, is that there needs to be substantial investment of things like housing, health and education.

I think the other that from my perspective is really important, and we do a lot of work with Men's Link. I do not know whether you are aware of Men's Link. We refer young blokes to Men's Link that are in a bit of a down spot because they need mentors. They cannot be what they cannot see, and I think it is really important that we work collectively across the entire community to ensure that young kids, male and female that are in strife, have mentors.

If they do not have mentors, they are not going to get through the system. So I think that is one thing we are all really encouraged by is the fact is that the community does take ownership but I think sometimes it needs to take a bit more.

**THE CHAIR:** Neil, is that the only option? I mean, Men's Link is not an Aboriginal organisation.

**Mr Gaughan:** No, it is not, Ms Keed, but I think there also needs to be—I think when we have—we have Support Link as well where we can also refer people from Support Link to other means. So there is plenty of non-government organisations across the ACT that can deliver this service but I think it is really important that a kid who is in trouble can see someone there that has actually had a good outcome in their life, and they can look up to that person and they can then seek that person's mentorship.

I do not think you can under-estimate the importance of mentors. I mean, I think it is really—

**THE CHAIR:** And I do not downsize them at all, but when you are looking at it from a cultural perspective and culturally safe and when you are going through the crime you are misplaced in community. So having a culturally safe and appropriate service is just placing them back in the community safely, and I know that Men's Link has not got any Aboriginal workers over there, but there must be other Aboriginal services that can do something similar.

I do not question Men's Link. I did not have much to do with Men's Link but you hear a lot of good stuff coming out to them. But it is like when they were talking about building community and not prisons, when they go the AMC and having a conversation with the detainees, and they will tell you, they come out and there is no community.

So how is that going to work? And I am thinking if you are going to culturally place

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somebody safely and appropriately back into community, there has got to be some kind of safe way to do that. Whether it is through Menslink having Aboriginal workers there, or through another Aboriginal organisation that works closely with them.

**Mr Gaughan:** Well, I agree with you. You know, it is probably an issue for government to determine, and I think it is—we are slowly increasing, too, our small numbers of First Nations people in ACT Policing. I think we are up to 22 sworn officers now. That is people carrying guns. They are seen by young kids in the community as someone to look up to. They are role models, they are mentors.

So the more young First Nations people I can get into my workforce, the better. I think that is really important, and more women. I might get Doug just quickly to talk to you about a program that we are working with New South Wales Police on trying to achieve that. I know the firies have a system whereby they go through a bit of mentorship, but I think it would be worth the committee hearing what we are trying to do to attract more young men and women to policing.

**Mr Boudry:** Yes, no problem. Well, I will just go back to that question about getting mentors. I think there was a comment about the on Country program, and trying to bring kids who were at high risk into a culturally safe environment and try and actually get ahead of the issues before they actually come to notice of police. So that is where we are trying to work with JACS in a joint way on the program to try and make sure that we get ahead of the game rather than just respond to the actual issues.

In terms of what the Chief Police Officer was talking about around IPROWD. So essentially that is a wholly First Nations program that is a joint initiative with New South Wales TAFE, and also between ourselves and the Australian Federal Police, and New South Wales Police. At the moment we have got a program going through. We have got 19 kids on that. They were actually out at Winchester this morning. All of them have passed so far.

The interesting thing about all those kids is the majority of them have said that they want to come to the ACT, and when you have a look at where they are from, like, they are from all over New South Wales, but they see community in the ACT as somewhere where they would actually like to come.

What we are trying to drive, and we will be talking to the elected body actually about this particular issue going forward, is how we encourage kids from the ACT to actually join up into that program as well, so they get all the benefits of preparing themselves for joining the police going forward. They get to actually almost “try before you buy,” but also it gives them qualifications to be able to either join the police, or at the end of it they might sit there and say, “No, that’s not for me,” and take another path but have a qualification.

**Mr Gaughan:** And that course has been run out of Queanbeyan TAFE, so it is right over the water.

**THE CHAIR:** I might go for a sticky-beak.

**Mr Gaughan:** Doug, you were one of the mentors, were you not?

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**Mr Boudry:** That is correct.

**Mr Gaughan:** Yes. So we are going to keep very close contact with those kids and try and get a few over here.

**Mr Boudry:** Yes. So our First Nations liaison officers are really heavily linked up into that program. It has been very successful for us far.

**THE CHAIR:** Is it Graham?

**Mr Gaughan:** Graham.

**Mr Johnson:** Just in terms of that connection, too, we talked earlier about the intensive case management program, but as that started to shape itself up in conversations it really looked more like a mentoring model, and the opportunity to be—and this is where I think, again, there is opportunities in the community corrections space in what we could do with policing to help divert people from a return.

We accept that it is unfortunate that they are here the first time, but what else can we do to stop them coming back, and that is ongoing conversation I think in terms of partnerships between JACS, broader corrective services more specifically and policing.

**THE CHAIR:** I like partnerships. Too many consultations.

**MS CHIVERS:** So my next question is, are family members contacted when juveniles are arrested?

**Mr Gaughan:** They are. Sometimes family members are not always available so there is other people that come in and look after the kids.

**MS CHIVERS:** How many times have The Interview Friends been called in the last 12 months?

**Mr Gaughan:** I will have to take that on notice, Ms Chivers.

**MS CHIVERS:** Yes. Thank you. What is the process if you cannot get in contact with an Interview Friend?

**Mr Gaughan:** I will have to take that on notice to be sure. I think most of the time we would get someone else independent to sit on the interview, but I will take it on notice to be sure. It has been a while since I have actually done any recorded interview. Probably only 20 years, but that is all right.

**MS CHIVERS:** And I am assuming as well when I tell you the next question you will probably take that on notice as well. Can you provide data per station in the number of arrests, and the number of calls to Interview Friends?

**Mr Gaughan:** Whether we can provide data by station, I am not sure, but we will definitely have an overarching number. Yes, we will take that on notice.

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**MS CHIVERS:** Fantastic. Could you explain how the domestic violence responses have been adjusted to be culturally responsive, and how do you actually ensure that this is occurring?

**Mr Gaughan:** Look, I think that goes down to some of the training issues that I already mentioned. Very similar to what Bruno spoke of with corrections, there is mandatory training culturally in relation to things such as that. The other thing is that all our new recruits that come through the college are spoken to by our First Nations liaison, so Graham and his team, to ensure they are aware of cultural sensitivities in relation to dealing with First Nations persons, and it is an ongoing education thing, obviously.

Now, we turn our workforce over fairly quickly. We do lose a lot of people to the rest of the organisation, the rest of the AFP. So we probably lose about 20 per cent of our workforce every two years. Getting people through the recruit training process and then through that cultural awareness training does occur quite regularly because it is a fairly new workforce, and obviously the new training that I have spoken about previously that is going to be rolled out will also help. I do not know if Doug wants to say anything further.

**Mr Boudry:** So in terms of the training itself, everybody in recruit training now goes through cultural awareness training, which is fairly generalised, and then what we are starting to work through is how do you actually make that more specific to community. So if we have a look at members coming into the ACT, it needs to be community-specific.

When we are operating in Jervis Bay, where we have got Ewan(?) [16.17.32] mob down there, we need to be more specific to their community and how that community operates and functions. So at the moment, I think this is where we need to have that consultation through ETMP to help actually build that training to make sure it is far more specific for what the needs of ACT Policing are and the community.

You also asked about family violence, is that right, and how it becomes more culturally sensitive. If you have a look in May 2023, this year we had our First Nations liaison officers—they actually commenced a pilot with the family violence and victims of crime portfolio in the ACT, and that was really a multi-agency family violence case tracking and family violence safety action planning program.

And what the First Nations liaison officers were doing was trying to actually inject the cultural competency into how that planning and the responses to that actually occurred. So the feedback from that so far has been pretty positive, from that pilot.

**THE CHAIR:** I just got a community message. Can I just ask that question?

**MS CHIVERS:** So I have got one more question, and mine has a community focus, and then I will pass over to the other members if they have any further questions for ACT Policing. So the community have been really disappointed, the fact that the community forums that ACT Policing had been having and that were originally put in place by Justine Saunders, that they have really dropped off and are not occurring.

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And so the community are quite disappointed by that. So I guess from a community perspective, my question is are you looking to re-establish those and within what timeframe?

**Mr Gaughan:** Look, we will be. I mean they dropped off as a result of COVID I think, because we actually, I think we did a couple when I was CPO, and then we had COVID, and we did an online forum. I do not know whether you were aware of that, but I did a specific online forum for First Nations people.

**MS CHIVERS:** Yes.

**Mr Gaughan:** We have not got around to it. We need to do it, and I am happy to work with on that. So we take that, I suppose, as an action item, Chair, to work with Ms Chivers in relation to re-establishing that. It something that is important for us to do as well. Our members quite enjoy it, so I think we can—

**MS CHIVER:** I am sure the community that are watching us will be very happy to hear that.

**Mr Gaughan:** I think we can make that happen. We can make that happen pretty quickly too. I think once it warms up a bit, we can start to roll those out at the police stations. Mr Walker, I am not going out in the freezing cold.

**MS CHIVERS:** So that is the last question that I have got, but do members have any other questions?

**THE CHAIR:** Mine is just quick.

**MS CHIVERS:** Yes.

**THE CHAIR:** Mine is, “Ask why they don’t pick up our mob when they breach parole instead of putting them under surveillance and letting them run out control, then sending them to prison for years, not months.”

**Mr Gaughan:** I suppose we act on breaches of parole as soon as we get the opportunity to do so. I mean it might surprise you that people that breach parole probably do not want to be found, and they do tend to leave the territory. We certainly do not allow them to stay at large in the community. We try to apprehend them as quickly as we can, noting of course, I think many do go into different jurisdictions and that sometimes creates some challenges.

**THE CHAIR:** Okay.

**MS MCGRADY:** I had a question about your cultural awareness training. How is that delivered in the Australian Federal Policing?

**Ms Boudry:** So at the moment, so in terms of the training we have been doing in ACT Policing has very much been done face to face. So we have had face to face training. That opens up far more conversation around issues pertaining to First Nations people. We have also got online aspects of training as well that can be delivered. Obviously

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with a 24/7 workforce, and making sure that that training is available to members in an online capacity when they might not be able to it face to face is—

**Mr Gaughan:** I might add, it is done by Orex(?) [16.22.13]. I mean, I did some awareness training early this year or late last year that really opened my eyes up to a couple of things I really had not considered, and so we made all the inspectors and above do that. So it was all, everyone does it. Not just the junior officers, because we can always learn more, right? I got a lot out of that one.

**MS MCGRADY:** Thank you. And I just have a little closing comment, I suppose, while you are at that table. It is absolutely respectful for us all to remember these reports, so we do not shoot our wounded. RCIADIC, which is a Royal Commission Into Aboriginal Deaths In Custody, Bring Them Home Report, Moss Review, etcetera, etcetera.

So there is solutions that have been talked, over and over, and with the Royal Commission Into Aboriginal Deaths In Custody, how old is that? And with those 339 recommendations, at the end of the day, they are recommendations. I think to pay respect to those reports, and the people that sadly, through their passing, have provided those statistics, which is quite sad, I think we can do better in this space, and I think we can learn and not reinvent.

So learn from these recommendations, really take on the recommendations, not just as recommendations where you can just choose this one, and no, we do not want to choose that one. I think it is really important to really respectfully think of these reports, and the people that lost their lives while providing those reports to us. It is always on our minds and in our hearts. We do not want to create second volumes of these reports.

And I just wanted to make that comment, because I know we all hold these reports very dearly, and so does community nationally. So thank you.

**THE CHAIR:** Witnesses suggested that they need to meet with community for solutions. We would say our agreement set the direction you need. We have literally been consulted to death. If you need ideas, we suggest we review the recommendations of the Royal Commission Into Aboriginal Deaths In Custody, the Bring Them Home report, the Moss Review, any of the dozens of Winnunga newsletters. We have spoken. We have been clear.

You need to properly listen and action what we have said. I told you. Thank you.

**Mr Glenn:** Thank you. Thank you, Chair.

**MS MCGRADY:** Thank you very much for attending.

**THE CHAIR:** Thanks for coming, and you words.

**The Elected Body adjourned at 4.25 pm.**





**ABORIGINAL AND TORRES STRAIT ISLANDER  
ELECTED BODY**

**UNCORRECTED PROOF TRANSCRIPT OF EVIDENCE**

**Members:**

**MS TANYA KEED (Chairperson)  
MS PAULA McGRADY (Deputy Chairperson)  
MS LYNNICE CHURCH  
MR MAURICE WALKER  
MR JACOB KEED  
MS JO CHIVERS**

**CANBERRA**

**WEDNESDAY, 16 AUGUST 2023**

**The Elected Body met at 9.28 am.**

Community Services Directorate

Rule, Ms Catherine, Director-General

Wood, Ms Jo, Deputy Director-General

Windeyer, Ms Kirsty, Coordinator General, Domestic, Family and Sexual Violence

Borwick, Ms Ailsa, Executive Group Manager, Corporate

Perkins, Ms Anita, Executive Group Manager, Communities Division

Evans, Ms Jacinta, Executive Group Manager, Strategic Policy Division

Lapic, Ms Silvia, Executive Group Manager, Deputy, Children Youth and Families

Aigner, Mr Geoff, Acting Executive Group Manager, Housing Assistance Division

Sabellico, Ms Anne Maree, Executive Group Manager, Children, Youth and Families Division

Moyle, Mr Brendan, Executive Branch Manager for the Office of Aboriginal and Torres Strait Islander Affairs

Summerrell, Ms Jessica, Executive Branch Manager, Support Services for Children

**THE CHAIR:** My name is Tanya Keed, and I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all the members of the elected body and would like to introduce them now: Paula McGrady, Deputy Chair with portfolios with Transport Canberra and City Services, ACT Health and our representative on the Coalition of Peaks; Maurice Walker, member with Education and Community Service portfolio; Jo Chivers, member with Justice and Community Services portfolio; Deanne Booth, member with the Major Projects Canberra Portfolio.

The Community Services Directorate holds a critical place and support for our community with the diverse portfolio that includes housing, child protection, the Office of Aboriginal and Torres Strait Islander Affairs to youth justice and the family hub. Over the last four years, our community have worked hard through Our Booris, Our Way Implementation Oversight Committee and Aboriginal and Torres Strait Islander staff internal to CSD to see these recommendations thoroughly implemented.

Today, we do not want to hear that it takes time for change. Four years of implementation and two years in review is enough. We have been patient enough. Our patience has run out. Our families are hurting, and our children are being removed at a higher rate in the ACT than six other jurisdictions.

How is it that recent Productivity Commissions it shows that in 2022, the rate of Aboriginal and Torres Strait Islander children aged 0 to 17 years in out-of-home care was 56.8 per cent per 1,000 children in the population? In the ACT, with a small population, no remote areas, strong health and education infrastructure, our rate was 70.8 per 1,000 children in the population. Do not explain this away with small sample sizes or data inconsistencies. This is an appalling result, given the extensive efforts to ask whether we are expending this effort in the right areas and in the right ways.

We would be interested to hear how CSD intends to meet the National Agreement target by 2031—reduce the rate of overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent—differently than we are today, because today is not working.

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Housing is another key area where we are frustrated by the lack of tangible progress in some areas that support reunification of our communities, either from AMC or in recovery from addiction. We understand the housing constraints at a territory level, but we need more focus on joining up the services between one government directorate to the next.

Relationships between the community and the directorate is inconsistent. Sometimes rapid, responsive change occurs. Sometimes it is slow and appears to elevate individual community voices and not benefit the community as a whole.

Any questions that we have left at the end of the hearings will be released as questions on notice. There are a lot of questions to get through with CSD today, so let us get going. Please could all witnesses that give evidence during the hearings acknowledge the witness statement for the record. Also, we will be taking community messages as well—questions. I would like to invite the Director-General, Catherine Rule, for any opening statement before commencing the questions. Please can you limit the introductory comments to two minutes.

**Ms Rule:** Thanks, Chair. Good morning, everybody. Catherine Rule, Director-General, Community Services Directorate, and I have read and acknowledge the privilege statement. I do not intend to make an opening statement. I am happy to get into the questions, Chair.

**THE CHAIR:** Thanks, Catherine. I will now pass to Member Walker to continue the questions.

**MR WALKER:** Good morning people, and thanks for coming along today. We will start with some generic questions around the priority reform. The first question in the priority reform 1 is around partnerships and shared decision making. How is the directorate working with the community to share decision making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community?

**Ms Rule:** Thanks for the question. I think there are a few things, and I am happy to talk in more detail about any of this, but I will make some introductory comments and pass to my colleagues to fill in some gaps as well. I think there are a number of partnerships that we as the CSD are either responsible for in our own right or manage on behalf of the ACT public service.

For example, the work that we do with you as the Elected Body. I think that has been a challenging space, and we have had some pretty robust conversations, I think, with all of you about how we best support the work of the committee, and we have made some additional investment in bringing in some resources, but I do think there is further work to do about the sustainability of the Elected Body. We have got an audit report that I am sure we will get to at some stage in this hearing that raises questions about the amount of time that the Elected Body is funded for. I think we have got a role to advise government about how we can best set the Elected Body up for success, so I think that is a key partnership.

We have a number of other bodies that we work really closely with, like the Our Booris,

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Our Way Committee, the United Ngunnawal Elders Council—as just some examples of organisations that we work with.

Then I think there is the next layer, which is about ACCOs. Again, I know you will get to some specific questions about ACCOs, but that is an area where we want to and are driving harder than has been the case before. We have made some decisions in the last year about setting aside some dedicated resources to have a team whose job is to work on ACCO development.

That work started quite narrow, around ACCOs in the child protection space, but as soon as we started to get into, “How do you support the ACCO sector in the ACT?” it became apparent that that is much broader than just child protection; that actually for ACCOs to be viable and to deliver a good service in conjunction with the community they need to be broader than just the quite narrow remit of child protection, and most of them are choosing to deliver a broader range of services than just one thing. So the work that we are doing on ACCO—developing the sector; working with the sector to develop—has been broadened out much beyond child protection.

**THE CHAIR:** Can I just say none of these are partnerships as defined by the National Agreement.

**Ms Rule:** Sorry, say that again, Tanya?

**THE CHAIR:** That none of these are partnerships as defined by the National Agreement.

**Ms Rule:** I went and had a look, because I know you have asked this question of other directorates. I think some of them are partnerships. Particularly the Elected Body. I think there is a clear framework around what you are responsible for, what government is responsible for, how we will work together. The resourcing is there. I think that in my view—and I am really happy to hear a view if you have got a different one—is that the Elected Body actually is a partnership in accordance with what the National Agreement is.

I think the Our Booris, Our Way Committee is probably in that same category, but again, happy to kind of have a discussion about that. Some of the work that we are developing—I think the ACCO stuff is not there yet, but that is where we need it to get to; is that they become the partnerships that help us to meet those targets under the agreement.

**MR WALKER:** Just to follow on, obviously we talked about how many, and I guess maybe in the future that could be defined a bit more around if and when we are developing true partnerships and decision making with community organisations and partnerships. How do you resource them, and is this information publicly available?

**Ms Rule:** I think—

**Ms Wood:** I think if we think about the key large—

**MR WALKER:** Sorry, can you say who you are and if you acknowledge the statement,

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please.

**Ms Wood:** Sorry, Maurice. Yes. Jo Wood, Deputy Director-General, Community Services Directorate, and I acknowledge the privileges statement. The key major formal arrangements that Catherine has spoken about, and obviously the ACT Aboriginal and Torres Strait Islander Agreement, which is our key kind of overarching partnership agreement that guides all of our work.

I think the ways that we support the partner side of that—that is what you are asking? How do we support the actual partnership side of it? So our support for the Elected Body through the secretariat arrangements are reported in our annual report. Our support for Our Booris, Our Way Secretariat and Ngunnawal Elders Secretariat is also reported in our annual report. Whether it is reported in the right way and whether people want different information and different transparency, we are always open to feedback on that.

**MR WALKER:** Do you want to add anything?

**Mr Moyle:** If I can. Brendan Moyle, Executive Branch Manager for the Office of Aboriginal and Torres Strait Islander Affairs. I acknowledge the privilege statement. I would also like to pay my respects to the traditional custodians of the land on which we are meeting today, the Ngunnawal people and other families and mobs that have ancestral connections. I also pay my respects to all of us Aboriginal and Torres Strait Islander people that have called Canberra home for quite some time.

I think for me I want to concur with what Catherine and Jo have said. The elected body itself is the only body of its type in Australia. In terms of formal partnership, the ACT agreement actually provides, again, the only kind of partnership of its type since 2008 anywhere in Australia.

The resourcing question—obviously the Auditor-General’s report did note it in terms of the more appropriate resourcing. At this point in time, as Jo has said, we do publish the information. The Elected Body previously has been funded to about \$385,000 per year through AIATSIS’s budgets. We are actually looking to increase that. We are currently in line with the actual Auditor-General’s report and looking at how we can support the resourcing to ensure the improved efficiencies and independence of the body.

Part of that is through independent secretariat. Part of it is about making sure that the actual body members themselves have sufficient time and resources to be able to actually engage with the community, but also work in partnership with the government, particularly around the implementation of the action plan, working with directorates specifically—

**MR WALKER:** Thanks, Brendan. Sorry, mate.

**Mr Moyle:** That is all good.

**MR WALKER:** I know this is important information, but we are going to get to the Elected Body and hopefully we will have some more focussed questions around that

detail—

**Mr Moyle:** Absolutely.

**MR WALKER:** —and we would love to have that then. Because we have got the rest of the morning, and as the examples of the last couple of days, it has been really hard to get through the generic questions and get to our community questions as well.

The next question was about three examples of how you participate in shared decision making with the community in line with the responsibility of the ACT agreement, if you can give us some more examples. How was this decision making formalised and to what level, if any, was it funded?

**Ms Rule:** I will not talk about Elected Body anymore, because we will go there a bit later, and I think you understand how all of that works. I think the example I talked about was Our Booris, Our Way. There is a formal report to government and agreement from government that they will convene an implementation committee. There is an implementation committee, as you know, Maurice, and we meet with that implementation committee every month. At least Jo or I attend; sometimes both of us; many of my colleagues in the room, so it is at a senior level. We are not sending our junior staff along.

I think the governance of that body has really matured of late to actually be really robust conversations about how can we improve the child protection system in line with the recommends of Our Booris. A bit like the Elected Body, there is a secretariat, there is remuneration to the members, there are a whole range of supports that we provide, and we are increasingly engaging with that body around how can we provide better data? How can the governance work in a more streamlined way? A whole range of things. Certainly, the feedback from Our Booris, Our Way has been that that relationship has improved substantially over the last year and that we are making some really good inroads. So still work to do. That is another example.

The third one that I mentioned earlier was the work that we do with the UNEC, the United Ngunnawal Elders Council. We work closely with them as well on providing ... (indistinct)... [09.42.11] provide them a secretariat, but we engage with them on a range of issues that are relevant to them as an organisation.

**MS CHIVERS:** Can I just ask in relation to UNEC: can you actually provide a specific example of shared decision making, given that that was actually what the question Member Walker asked was about—examples of about shared decision making?

**Ms Rule:** Yes.

**MS CHIVERS:** You have kind of mentioned that they are the ones as your examples, but you have not actually specifically said how that shared decision making occurs.

**Ms Rule:** Sure. For UNEC—and I am happy for others to jump in—but the example that kind of springs to mind is some of the work that we have done around the Healing and Reconciliation Fund, and some of the expenditure under that fund has been in close consultation with UNEC or its members.



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**MS CHIVERS:** Consultation is not shared decision making.

**Ms Rule:** No, I agree with that, but we have worked closely with UNEC to shape how some of that work will happen. I would suggest it is more than consultation, but it is not comprehensive in terms of UNEC. I think with the Elected Body and with Our Booris it is much more mature, but I do not think we are quite there with UNEC yet.

**Mr Moyle:** Brendan Moyle again. I would probably add that CSD provides the functionality and the secretariat support for UNEC. We do not necessarily control the engagements, so we actually facilitate some of that across other directorates. A lot of our role, particularly in terms of the partnership arrangements, has been supporting, say, for example, the environment portfolio and how they engage and actually share decision making.

Right now, there is a review of legislation, particularly in terms of cultural heritage legislation, and certainly from my understanding that directorate has actually been starting to look at how they strengthen shared engagement processes with that or share decision making processes with that. Our role within that is to provide a mechanism to be able to facilitate that.

**MR WALKER:** I do not think they made that position clear about shared decision making with the ACCOs that they obviously work with. Going on to priority reform 2 around building the ACCO sector, you mentioned a few, but how many local ACT-based ACCOs have you worked with in the last two years? Who are they? How have you helped existing ACCOs to grow and how are you progressing the transition, if any, of services to Aboriginal and Torres Strait Islander Community-Controlled Organisations?

**Ms Rule:** Thanks, Maurice. Look, I think this is an area of developing work for us. When you say how many ACCOs have we worked with and which ones, I would say all of them. Chris will be able to kind of list the specific organisations that we have worked with, but as I said in my opening comments, as we started to push harder on the work with ACCOs in the child protection space it became apparent that we had to go broader than that, and that the ACCOs wanted to be broader than that, and so the work that we have been doing has gone beyond child protection and now we kind of talk about it as human services.

All of the ACCOs that are currently working in the human services space we are working with. Organisations that are aspiring to get into that world we are also working with, and those arrangements are different for different organisations. We can detail some of those in terms of funding agreements and bits of work that have transitioned to ACCOs, but I would expect by the next round of hearings we will be much further advanced.

We are working really hard on this. We are investing. There are actual funds available in child protection, in domestic and family violence, in a whole range of our policy areas that we should see start to flow and support ACCOs to be making the decisions in various programs that we deliver. I might pass to Mr Simpson to give you some of the details about the ACCOs that we have worked with.

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**Mr Simpson:** Thank you, Ms Rule. Also acknowledging the Chair and pay respects to members, also acknowledging the privilege statement.

Dhawura nguna, dhawura Ngunnawal. This is Ngunnawal country.  
Yanggu ngalamanyin dhunimanyin. Today we are gathering on Ngunnawal country.  
Ngoonawalwari dhawurawari Dindi wanggiraldjinyin. We acknowledge and pay our respects to the elders.

I am Christopher ...(indistinct)... [9.46.58] Simpson and I am come from Wakka Wakka country. I have called Canberra home for the last 13 years, and also just to pay respects to Aboriginal and Torres Strait Islander people that are gathered here today.

Just in regards to Aboriginal Service Development, I am the Executive Branch Manager for Aboriginal Service Development in the Community Services Directorate, particularly delivering against priority reform 2.

We are working with establishing and maturing a genuine partnership and relationship with our community-controlled organisations, noting some of those organisations have been established for more than three decades, and acknowledging the great work that they have been doing, but also acknowledging some of the past relationship and legacy items that they have had with various directorates and forms of government, but we are really embedding that true partnership and a relationship approach with those organisations and understanding their aspirations and goals.

As the Director-General mentioned, they were starting off on a very narrow focus in regards to a child protection response, but noting our—the intersectionalities and the variety of work that our ACCOs do across portfolios, across directorates and providing that wrap-around service for our community organisations and also seeing that they are a key stakeholder in delivering our culturally safe trauma aware and healing informed services and action.

So if we talk about trauma aware, healing informed based off the Healing Foundation's definition of trauma aware and healing informed processes and practices, and these are some key outcomes, as acknowledged in the priority reform areas for achieving our Closing the Gap commitments, but this needs to be done through partnership approach, and we need to develop some of those relationships as we mature along there. Some of the early wins or early things to acknowledge with our partnership since the branch was incepted in January this year has been the transfer over \$11 million into the community control sector which is including the \$9 million into Winnunga.

We have done \$1.7 million into the domestic, sexual and family violent space, working with for community controlled organisations. Previously, we had zero ACCOs and zero investment delivering against that there.

**MR WALKER:** Can you name those?

**MS CHIVERS:** I was just going to say the same thing. So whilst the elected body members may actually be aware of who some of the ACCOs are, we are being livestreamed, and we do have a lot of community who are actually watching, so can

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you please name them?

**Mr Simpson:** In regards to naming those, we have Yerrabi Yurwang delivering services. We have through an auspicing arrangement ...(indistinct)... [9.50.01] SEARMS delivering a service. We have Yeddung Mura delivering a service. And we also have Sisters in Spirit delivering a service as well in regards to that.

**MR WALKER:** Excluding the housing organisation or the proposed housing corporation, what new community-controlled organisations have you been assisting to be established?

**Mr Simpson:** Thank you for the question, Member Walker.

We are working with our organisations, noting that some are in their infancy. We have recently met, and during my last six months it has met with Sisters in Spirit to understand their goals and aspirations. Noting that they did launch back in the early—a few years ago.

But I am also working with an Understanding Opportunities, and working with the EveryMob, which is a new organisation which are working in partnership with EveryMan to work in a community-controlled capability and capacity. And we have regular meetings with them to understand that.

I also meet with the newly established boards to understand their aspirations, what governance requirements is required and provide that conduit into those development and those services to ensure we have good governance process. And also my linking in with the Regulations Assurance and Quality Branch to ensure a healthy organisation as well to provide those support mechanisms, so we have sustainability and viability. But also deliver against their aspirations and goals.

**MR WALKER:** Thanks, Chris.

We move onto indigenous procurement policy. What is the number and value of contracts that you have that support indigenous procurement policy?

**Ms Rule:** Procurement or recruitment? Procurement.

So it just so happens I have been looking at annual report content for the not yet published annual report for the previous financial year. But this is an area where we need more effort. So our reporting for the next financial year will show we are just short of one per cent of our procurement as indigenous procurement, which is not—you know, the target is two, we are one. We need some more work on that.

But I will ask Ms Borwick to provide some more details on the value of that procurement.

**Ms Borwick:** Yes, so for us—

**Ms Rule:** Just—

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**Ms Borwick:** Elsa Borwick, Executive Group Manager, Corporate. And I would like to acknowledge the traditional owners of the lands which we meet today and acknowledge the privilege statement.

Our annual procurement is \$899,721, this is our spend. Part of the features of CSD is that about 75 per cent of our spend that is counted, actually goes to a single contract in relation to our repairs and maintenance in housing. That limits our ability to really leverage that at this point in time. But we continue to work through it. And we have seen substantial growth over the last couple of years in our addressable spend.

The sorts of areas that we are seeing spends is everything from social media content, function room hire, through to recruitment, consultancies and labour hire areas. They are the sorts of areas that we are spending on.

Did you ask around which specific organisations?

**MR WALKER:** We did not really ask that. I just asked about what is the number, in value, of your contracts? And I think it is not that high, obviously.

What are the requirements within the contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander people?

**Ms Borwick:** Can I just be clear too, with account of the Indigenous Procurement Policy Targets, it does not include grants. So for us, it looks like our spend with indigenous businesses is really low. It is really specific criteria in relation to that spend. And really undersells the growth that we have seen in our grants activity. So I just need to separate that our because the addressable spend that we reported on—

**MR WALKER:** It would be something that community would like to know. So I guess for now, if that is something that you want to include in the report then, you know, community would like to know at what their total expenditure on Aboriginal and Torres Strait Islander people in the community, whether it be a grant or a contract for service, we would like to know that.

Because the next number of questions is around that participation of Aboriginal people—

**Ms Borwick:** Yes.

**MR WALKER:** —and the requirements that you would put into a contract around making sure that company employed Aboriginal and Torres Strait Islander people.

So what are the requirements within the contracts and grants that require specific outcomes, obviously in relation to our priority reforms around making sure that the status of Aboriginal people are contributing to their own economic and wellbeing status by being offered opportunities for employment and otherwise?

So these questions are directed at that. So I guess because—we have heard over the last couple of days how well the ACT government is not kind of doing. And so we just need more specific goals within. Because if you are going to set up a contract, then we would

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be expect—from the Elected Body point of view, and from the procurement policy, is about asking for that company for Indigenous involvement.

**Ms Rule:** So Maurice, if I can talk about two different contracts where I think we actually have done well.

The first one is a Total Facilities Management contract, which is basically the contract that does all the maintenance for public housing. It is second biggest contract in ACT government. So it roughly \$80 million a year of expenditure in public housing services and maintenance.

That contract does have specific clauses around employment of staff from diverse groups, including Aboriginal and Torres Strait Islander employment. I have not been able to get a copy of the clauses. But I am to provide that to the committee. We do require that that service provider reports regularly on their performance against that. And again, happy to provide some data.

What I am not 100 per cent sure of is how far I am going to be able to disaggregate that data because we do not collect it. It is collected by the service provider. But it absolutely is in that contract which, as I said, is the second biggest contract in ACT government.

I think the other one—so it differs from contract to contract depending on the arrangement. So I think the other significant contract we have is the contract with ACT Together in the child protection space. And again, we work with them about cultural awareness and diversity and employment.

I will again have a look at that contract to see whether there are specific clauses. But it certainly is something that we have been working with them on understanding their level of indigenous employment. Particularly in that service, where it is critical that they have sort of cultural awareness, cultural understanding, and that they have Aboriginal and Torres Strait Islander staff involved in delivering services to the families who are in that out of home care system—

**THE CHAIR:** The contract you have got with ACT Together—

**Ms Rule:** Yes.

**THE CHAIR:** —Is that to employ Aboriginal staff there?

**Ms Rule:** No. So we effectively outsource, if you like, the services—

**THE CHAIR:** Okay.

**Ms Rule:** —to ACT Together in the child protection space. And as you know, we work very closely with them. But we actually contract them to provide a service.

**THE CHAIR:** And are they providing a service?

**Ms Rule:** Well they are. So all the services in the out of home care—

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**THE CHAIR:** With—I know with the out of home care. But with Aboriginal workers?

**Ms Rule:** We are—so as I said, I do not have the exact contract clauses around that. But I am happy to pull them out and provide them to the committee—

**THE CHAIR:** Yes.

**Ms Rule:** And a bit more information about how we work with them on their employment of Aboriginal and Torres Strait Islanders—

**THE CHAIR:** Because some of the information that we have received from community is that they outsource a lot from Sydney. There is a Sydney Aboriginal service that comes down a lot and talk to them about cultural things. And I think that needs to be—

**MR WALKER:** Yes, that is the case.

**Ms Borwick:** Member Walker, can I just add something too?

Some of the discussions that you would be aware of in the Our Booris Our Way committee around this particular topic has led to some actions for us. And we have gone back to Procurement ACT to talk about some of the issues raised around the demonstration of the spend and the criteria within that. They are reviewing their policies at the moment in relation to the Indigenous Procurement Policy. So we have been able to feed that in.

So I think that feedback that we continue to get through those forums is really helpful for us in identifying what needs to be displayed to community—

**MR WALKER:** Nice. So if—Catherine, if you take that question on notice—

**Ms Rule:** Yes.

**MR WALKER:** —what are the requirements within contracts or grants to require specific outcomes for Aboriginal and Torres Strait Islander people? What are the specific requirements that an Aboriginal organisation must have to guarantee services, access to community? The second part of that question is, what are the physical requirements an organisation must have to Aboriginal and Torres Strait Islander staff within their organisation, and also if there is any representation on their boards, and also how they procure the services.

**Ms Rule:** Yes. Happy to do that. I just note, do you want that for all? We have a lot of contracts, or is it just the big kind of contracts or service provision like the housing maintenance and the out-of-home care, just trying to understand how broad you would like us to go?

**MR WALKER:** Like I said before, I think the community would be interested in some of the investment in our community, so I think that I would say all, I would ask that for all services for Aboriginal and Torres Strait Islander people. Particularly if you have got organisations that are non-Aboriginal organisations that do not have Aboriginal employees that are offering services to Aboriginal and Torres Strait Islander people, so



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that would be good.

**Ms Rule:** Yes, happy to have a look at that. I am told there are specific clauses in the ACT Together contract around this, so certainly, especially for those two which I think are, you know, two of our biggest program areas we will pull all that information together and try and give a picture that answers the question that you have asked.

**MR WALKER:** Next question, how are you engaging with Aboriginal and Torres Strait Islander businesses?

**Ms Rule:** Again, I think that is a broad question. I think we have increasingly been working with Aboriginal businesses on key initiatives like the work with the elected body, similarly work with UNIC, some of the support to Our Booris, Our Way where we as an organisation have not had the capacity or the expertise necessarily to provide that support to various organisations. So we have over the last year I think there's been a number of times where we have contracted with Indigenous businesses, The Healing Foundation is another one, to access the expertise that we do not have in the directorate.

I think we are, you know, I will be really frank with you, I think the market for talent amongst Aboriginal and Torres Strait Islander staff is really hot. There are a lot of employment opportunities in ACT government but also with the commonwealth government and organisations who are looking to have Aboriginal and Torres Strait Islander staff in their organisations. So, things that we might have in the past looked to do within the directorate or within government is proving really hard to staff and so I think we have increasingly got this model where we will work with Indigenous businesses to provide a capability that we cannot necessarily get in the public service.

**MR WALKER:** I think also we are obviously looking a little bit more broader than that around services that are on the ground, like catering services and things like that. obviously that you might—that is the kind of businesses we are talking about, because there are lots of—in the business chamber there is a lot of Aboriginal and Torres Strait Islander organisations established here in the ACT offering all sorts of services and that is the kind of services I guess we are trying to pin down about who should look at—

**Ms Rule:** So I think we are—certainly around catering there has been a number of occasions where we have specifically used catering from Aboriginal and Torres Strait Islander organisations. We have used a few times—and the name of the business escapes me—the facility at Mulligans Flat to host meetings, and I think we will do that more, it is a great space, and it is a comfortable—well, I am told it is a comfortable space for community and it supports Aboriginal business. I think there is more of that that we will see in those opportunities to be quite targeted. I think as a directorate we are pretty tuned into that and looking for those opportunities to use those businesses, but Ms Borwick might have a bit more specific information.

**Ms Borwick:** Yeah. On that, again, when we recently met with Procurement ACT who then hold those sort of business days for people to help people understand how to get on panels, how to use Supply Nation and other changes that are there. That is another area where we are working across ACT government to look at when we might need to refresh some of those, because obviously there are new businesses emerging all of the time.

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Our spend in relation to some of those areas throughout hospitality for instance, some of those businesses that you are talking about, there are \$5,500 last year, but again we are seeing those conference centres being—we are seeing other things like that, so that is where we start to add up in those spends.

**MS MCGRADY:** I think it is really important to highlight those things and this might seem like a really small comment, but it is actually huge to that business. Now, I know that even the paper that is used in CSD is from an Indigenous company.

**Ms Borwick:** We do spend money on stationery, yes.

**MS MCGRADY:** Yeah, so it is very important to that community and I know it is like maybe a minute investment, but to that company it means a lot, so.

**Ms Borwick:** Yes.

**Ms Rule:** Look, I agree, and I think, you know, I have this view about CSD's role as providing leadership across the ACT Public Service because Aboriginal and Torres Strait Islander Affairs is one of our portfolio responsibilities and if we are not tuned in to making decisions that help for Aboriginal and Torres Strait Islander community, no-one in government is going to be.

So I think we have got a real responsibility to be leaders on this stuff, and I think you are right, it starts at that grass roots—it has got to be both, it cannot be all the big contracts and ignore the little guys or just the little guys and ignore the big guys, it has actually got to be across the whole spectrum and woven into our thinking all the time is where are the opportunities to help support Aboriginal and Torres Strait Islander businesses and organisations whether it is a big investment or a small investment.

**MS MCGRADY:** Thank you.

**MR WALKER:** Thank you. Are there any more questions?

**MS MCGRADY:** No.

**MR WALKER:** We move onto priority 3, transforming government organisations. How is the directorate implementing the Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Ms Rule:** Again I think we have absolutely a leadership role here across the ACT Public Service. One of the things I am most proud of as a directorate is that as of the end of last financial year our employment of Aboriginal and Torres Strait Islander people is 5.92 per cent and so we expect any day now that we will tick over six per cent of the directorate's employees identifying as Aboriginal and Torres Strait Islander.

You know, I think in all the work that we do we absolutely have an obligation to reflect the community that we serve and one of the communities that we serve is the Aboriginal and Torres Strait Islander community. So, you know, we have got staff at all levels throughout the organisation, both on the ground delivering services, but also in

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executive positions and everything in between, and I think that actually is a responsibility that we have to both get to that level of employment but also keep that level of employment. I do not want it to just be a spike, I want it to be a continual up and growth in our employment of Aboriginal and Torres Strait Islander people.

So I think that is helping to transform our organisation. I think we have embedded some of our Aboriginal and Torres Strait Islander leaders into our governance of the organisation, so, for example, both Brendon and Chris attend every meeting of our strategic board where they would not typically, the executive branch managers do not typically attend that meeting. We work closely with different organisations outside as well who I think are, you know, keeping us honest and being really willing to tell us when we are doing the wrong thing.

You know, I reflect often on—I think you were there Maurice, we had a conversation with Our Booris committee about just how we phrased a certain , you know, piece of communication with the community and how it was an insensitive piece of communication. So we go to deal with that before it went anywhere. I think building that capability and that understanding and working closely with both our own staff and organisations outside is part of our approach in terms of transforming the organisation itself.

**MR WALKER:** You can add to that.

**Mr Moyle:** I will. We also acknowledge that the Auditor-General's report, we acknowledge the productivity report—that said that all governments need to do more in this space. Part of when I was first recruited in, I was challenged and charged by Catherine and Jo and Jacinta to actually look at how we drive some of that change as well as Chris, and we are doing a lot of work. Not just in terms of the way we transform CSD but how we use our leadership role across the ACT Public Service to leverage those reports through the IDC, through strategic board, to try and get transformational change across government.

Aboriginal and Torres Strait Islander people are over represented across almost every aspect of the ACT government services, and so for us part of it is about what we do as a directorate, part of it is about how we drive that change as well. Some of the forms that we are actually doing as well, if we go back to priority reform 1, is making that we are strengthening the role, particularly of the elected body, in terms of how the elected body does not just be engaged or consulted but actually has legitimate positions of power and authority within those governance structures to be able to inform both the development policies and programs and transform the way we work as well as hold us to account.

**MS CHIVERS:** In regard to priority reform 1, it needs to be shared decision making. If the community do not see that difference, then it is not working. So, you know, absolutely recognise all the work that has been done so far, but if community are not feeling that, they are not seeing that change, then that is where, yeah, need to think differently.

**Mr Moyle:** absolutely.

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**Ms Rule:** I think that is right and I think, you know, I have had a number of robust conversations with yourself and Tanya about how do we best support the elected body, and I do not think we are there yet. I think, you know, we were both—both CSD and yourselves would say there is more that needs to happen, so those conversations will be ongoing. I think the transition of services, you know, I completely understand that this reform is about everything that we do, so it is about how we staff as an organisation, it is about how we deliver services or how we partner with other organisations to deliver services, and it is about how do we build capability across all of the work that ACT government does.

So, I understand that it is much broader than just that. I think data is a challenge here. Some of the measures around how you measure racism, you know, and I can tell you that in our HR data, for example, there are a very, very small number of people reporting discrimination. I cannot break that down further.

**MS CHIVERS:** Can I just ask?

**THE CHAIR:** Yes.

**MS CHIVERS:** So, Member Walker's question was specifically around how is CSD as the directorate implementing the ACT Agreement as part of the directorate's core business. But you have kind of gone all around that and so you have not really answered the question and that is the feedback that is coming through from the community that are watching livestream. So, can you specifically answer how CSD as the directorate is implementing the ACT Agreement as part of CSD's core business.

**Ms Rule:** Sure. Thank you, Member Chivers, I am not trying to be evasive in answering the question—and happy for others to jump in here. We have a large number of things under the agreement that are our responsibility, either directly or on behalf of the whole of the ACT Public Service. I chair the strategic board committee that is responsible for monitoring and overseeing the implementation of the agreement.

Accepting that the Auditor-General has absolutely pointed out some ways in which we can strengthen that, within the Office of Aboriginal and Torres Strait Islander Affairs they have a role both for the ACTPS but also for CSD as a directorate in monitoring our progress and reporting on our progress. As I said, I think data is challenging for us in some spaces where we do not have robust measures against all of the targets in the agreement, but that is absolutely woven into the way in which we think about our business. We have got particular structures in place, there is reporting happening and it is—and as I said, Chris and Brendon both attend our strategic board to make sure that we are focussed on delivering our commitments under the agreement as part of our core business.

**Ms Wood:** Could I add, Jo Wood, Deputy Director-General, and the committee may be getting to this later, so we can do this later or we can do this now. In terms of how we are delivering putting the agreement at the core of our business and making it our core focus, there is significant work happening under the different focus areas and we could speak to particularly the children and families focus area and step through the specific work we are doing there if that would be helpful. Member Walker.

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**MR WALKER:** Sorry, what did you say?

**Ms Wood:** I said, we could talk through the detail of how we are—take the children and families focus area as an example, we could go through actually how we are implementing that as our core business.

**MR WALKER:** No, I do not think that is really necessary. You mentioned the other organisations that you work with. So what other directorates are—how you work with other directorates to achieve that core business?

**Ms Rule:** I think there are a couple of ways. The first one, and I will try not to labour these too much because we have talked about a couple of them, but the strategic board committee I think is across directorate committee, so that is the first one. There is also an IDC that involves executive general managers across the ACT Public Service.

I think we increasingly are taking on a leadership and coordination role, you know, we will coordinate on behalf of government in response to the Auditor-General's report, for example. We write all the cabinet submissions and the reporting around Closing the Gap. I get to see Paula regularly at the Closing the Gap meetings of ministers. So we have a more prominent role I think than all the other directorates and increasingly we have to take a leadership role on this stuff.

I think Brendon and Chris are both exercising leadership across the ACT Public Service, both with Aboriginal and Torres Strait Islander staff and also building awareness of these things more holistically and, as I said at the beginning or before we started, I am really keen to have a conversation about what roles CSD can play to boost the understanding of Closing the Gap across the ACTPS.

**MR WALKER:** I think one of the things that we would like to see is in the coming years or, you know, part of—in the rest of our term anyway at least, to see that commitment from CSD to that role. Whether it be at the front—leading from the front or supporting other agencies, other directorates to lift their game. Because we obviously want better results for our community, and so if we can be working at that, that would be great. Did you want to—

**Ms Rule:** Look, I can absolutely give you that commitment. I see it as a core part of my role personally, and I think we as a directorate are putting, you know, myself, both of the deputies, our leaders in—our Aboriginal and Torres Strait Islander leaders as well as our non-Indigenous leaders are really—we have conversations about this every week. I spend as much time on Aboriginal and Torres Strait Islander Affairs as any of the other portfolio areas, some of which are bigger in volume but certainly not bigger in complexity and challenge.

So I can absolutely give you that commitment that CSD is prepared to lead from the front. And I would be really interested to hear any feedback from the elected body about how you think we are going. Are we improving on that front. I understand absolutely there is more that we can do and so let us have those conversations.

**MR WALKER:** I have got a community question to that but I will let Brendon have a chat.

**Mr Moyle:** I might just add to what Catherine was talking about in terms of the formal government structures. Particularly the last six months since coming in we have really put OOATSIA back on the front foot, exactly what you are talking about. So two practical examples that we have actually got is that, some, we have been working particularly with environment around the review of cultural heritage legislation.

Even last night I was sitting on the Circle Sentencing redesign actual working group for the Courts. Our role within that is to actually guide and support them, make sure their action delivery against the actual action plan, or the agreement, sorry, in their action plans, the Closing the Gap, its national agreement. Also though that they are following the right protocols to make sure that the community has a voice within those and that the relevant parties can help to actually inform and share the decision making around that.

**MR WALKER:** Thank you. Our community question is how is this work and thinking influencing the changing of day to day work in CSD?

**Ms Rule:** That is a big question. I mean it is, it absolutely is, so maybe if I can give you an example that springs to my mind, and again happy for my colleagues to jump in here as well. When I think about child protection, we often talk about the fact that, this is something that Jo has driven really hard, is that if our child protection system works for Aboriginal and Torres Strait Islander families it works for everybody, and so how can we put the thinking about dealing with Aboriginal and Torres Strait Islander families at the forefront of the work that we are doing on child protection.

Child protection is being reformed from, you know, there will be new legislation, the government has announced a new policy agenda, we are going out to market for new services. Anne-Maree and Silvia are absolutely driving cultural change on the ground throughout the whole of the child protection system. It is big, and it is hard, but there is nothing more important in the work that we do than shifting the way in which child protection works, and Aboriginal and Torres Strait Islander children and families absolutely have to be at the centre of that because, as Chair remarked at the beginning, Aboriginal and Torres Strait Islander families are absolutely over represented in the child protection system. So, you know, this gets woven through every conversation we have about how do we do child protection better.

**MR WALKER:** Thank you, Catherine. I will move onto systemic racism, racism. What have you done to—not necessarily you but your directorate done to review your legislation policies and process to identify and remove systemic racism?

**Ms Rule:** Do you want to have a—yes.

**Ms Wood:** I am happy to—at this one. I acknowledge that a shift in focus on systemic racism for the whole public service came out of the last round of the elected body hearings and the questions led to the acceleration project focussed on systemic racism and that has been a really important conversation for the public service as a whole and it is leading to work on a framework for the public service as a whole and that is in the phase two focus area action plan.

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CSD recognises that we need to do that work now. The framework will be useful but, as Member Walker has asked, there is really concrete action we can take now, and we are doing that on a—Catherine has already spoken to the work we have done to look at our governance and ensure we have Aboriginal and Torres Strait Islander leaders in our governance to ensure that we are asking the right questions and having the right conversations.

We have had the focus on workforce and building our Aboriginal and Torres Strait Islander workforce and Ms Borwick can speak more to that and that is ensuring that we have Aboriginal and Torres Strait Islander expertise across all of our policy and service delivery functions, and then within the particular areas, and we have touched on child protection, we are looking at the different points in our system where we know we are getting worse outcomes for Aboriginal and Torres Strait Islander children and families.

Our Booris, Our Way has identified we have too many Aboriginal children coming into the child protection system so that sort of first interaction point, we know that Aboriginal and Torres Strait Islander children and families do not have a good experience in our system, so kind of looking at the decision making around what happens to families and children, and then we are not achieving enough in restoring kids to families.

So for each of those three phases of the child protection system we now have dedicated Aboriginal-led teams that are doing work to actually look at what we do and change what we do and really kind of unpack where our, you know, where that systemic racism is built into our system.

**THE CHAIR:** So this information is four years old, no change.

**Ms Wood:** No, this—some of these things are very new. The First Nations support team, which is working at that sort of front end of the child protection system, is established over the last 12 months. That was established by—

**MR WALKER:** Sorry, Jo. Can you tell me what the framework, you mentioned the framework?

**Ms Wood:** Yes, so that came out of—there has been the whole of government group that was looking at addressing systemic racism.

**MR WALKER:** We heard yesterday from ACT Health about whole of government work on systemic racism and it was presented to IDC—

**Ms Wood:** Yes, that is right.

**MR WALKER:** —not—recently. The elected body was not included in that process, and obviously Tanya and/or Paula, sorry, the Chair and the Deputy Chair, have been attending those meetings. It seems that the elected body has been left out of that consultation or been a part of that approval process, or been—have not seen this document or this framework.

**MS CHIVERS:** So we have basically been excluded and given, you know, that the



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elected, well—either the Chair or the Deputy Chair co-chair be IDC. We do not understand and are absolutely not happy that the elected body has actually been excluded from that piece of work.

**Ms Rule:** Can I just unpack that a little bit? The IDC is an internal government committee

**Ms Wood:** There is co-chairing. Yes.

**Ms Rule:** Okay. So—and I think that group has been tasked by the—so the kind of overarching government’s mechanism is the strategic board committee that I chair. That piece of work has not gone to that committee yet. That was tasked to the IDC to do some work on developing that, but I am absolutely happy to take that feedback on board and have a look at it. I cannot talk to that, I do not attend that IDC.

**MR WALKER:** That would be great. Yes, so besides that work, obviously it leads onto the instances of racism, so how has CSD supported Aboriginal and Torres Strait Islander employees across the ACT Public Service to reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander people within government systems, and obviously try to reduce this by 80 per cent by 2028?

**Ms Wood:** I can start and Ms Borwick can speak specifically to the CSD part of it. We have continued to work, as we have talked in a couple of our answers already about with the rest of the public service, and for this particular topic working really closely with chief ministers who have that lead on the public service workforce. They have done a range of work around recruitment retention and cultural integrity for the public service as a whole. That work has then been embedded into the—the next phase of that work is in the phase two action plans. We have also had a particular focus on our workforce in CSD that Ms Borwick can take you through.

**Ms Borwick:** Thank you. There are a number of different areas. For us, we have talked a little bit about recruitment and having a huge focus on that, and lifting over the last 12 months to less than four per cent representation within our workforce. So, how we actually engage with some of those processes, if I give the example of a recruitment process, we have done a bulk recruitment process recently, making sure that we had representation on the panels by people who were Aboriginal and Torres Strait Islanders.

That we actually changed up the process for the way that we did the recruitment where we advertised who we connected with, putting messages out through our community networks so that people know those jobs were available and what they were about and inviting that discussion. The way that we have actually crafted some of the questions in our broader recruitment activity to really go to matters of cultural competency and people’s awareness and understanding has been really important about who we are bringing into our organisation.

For us, pleasingly, again it is setting up our yarning groups and having those spaces for people to talk, what we are seeing actively within the organisation at the moment is much better conversation and people really bringing their voice to the discussions that we have on a number of places. We have our attraction and retention and strategy and other diversity and inclusion documents that we have, we are now seeing more people

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participating in those discussions and that representation coming to the table—

**MR WALKER:** Yes, thank you. That is kind of all about employment and retention and recruitment—

**Ms Borwick:** Yes.

**MR WALKER:** I really want to know about the racism. What are you doing about racism? How many incidents of racism are generally reported within the directorate each year?

**Ms Rule:** So I think, as I said earlier, I do not think data is our friend on this one. So I have sort of broad data about staff raising issues of discrimination. But I understand that that is much broader than racism.

We do not have good data on reports of racism, either from staff or from our clients. So I think it is an area that we have to do more because I am not sure we, as a government, actually demonstrate progress against that target—

**MR WALKER:** Okay. Maybe if you take that on notice, Catherine—

**Ms Rule:** Yes.

**MR WALKER:** And sorry for cutting off, Ailsa.

I know that it is important. We are going to talk about workforce and cultural awareness—

**Ms Borwick:** So I will just come back specifically to racism, which is the question that you asked.

We have recently done our staff survey. What we saw is a doubling of people who identified as Aboriginal and Torres Strait Islander participating in that. And we have actually seen a substantial reduction in their experience of racism and discrimination as reported in those areas.

Again, we have our risk man areas where we sort of report things. Again we are seeing very low numbers of reporting. But I will canvass that with those are the people who are willing to report. And I think that that is an issue that we have, is the data point around people often—

**MR WALKER:** So the question—the three questions that I have here, along with the reporting of the ...(indistinct)... [10.29.55] fixing up the data stuff. Besides the staff survey, what other mechanism is there to reporting them? How does the directorate address the incidents of racism? And how are you going to prevent this in the future? So obviously with the strategy you were just talking about—

**Ms Borwick:** Yes.

**MR WALKER:** That is probably part of the answer.

**Ms Borwick:** Yes. So for us, because—sorry, I guess the approach I was coming from was this issue of systemic racism. So it involves how we change our corporate processes to accommodate differences for people across the board and what they need to have in there. Because traditionally we have had a pretty straight forward, this is the one and only way we do recruitment, or this is the one and only way we do contract management and understanding the differences in those processes.

So at a systemic level, from a corporate perspective, we are going through those areas, looking at things like governance, like procurement, like recruitment. They are all those processes that contribute to that.

For staff, they can report through the risk man process around incidents of racism. That allows us to—we are required to action and review those reports within 24 hours. And we have a team to do that. And that feeds into the way that we would do that so that we can make contact with people and understand the situation and undertake investigations as required.

**MR WALKER:** Thank you, Ailsa.

Just two more questions, because we will have a break for morning tea.

How does CSD train and ensure the cultural competency of CSD employees? Is the content designed, and if so, is the content designed and delivered by local Aboriginal and Torres Strait Islander people or organisations?

**Ms Borwick:** We have a mix of ways that we do it. The cultural awareness perspective, and I understand the difference there, we do have online resources that is mandatory for all of our ASO3s to ASO6s to undertake. That is an online resource that in the last 12 months we have had 386 staff complete.

On top of that we have cross cultural training programs. Particularly proud of the work that is done within our CYES area, like there is a lot of work that is going on. And yes, that is done with Indigenous suppliers, through to—from face to face, e-learning, walk on country, those sorts of approaches. And I think that is something that is having a significant difference in being culturally responsive and really building that capability within those workforces.

We do do other immersive programs. Different parts of the organisation will pick up different areas for that. And we continue to have things, such as our mentoring programs, we have recently supported staff to go to the Garma Festival and to lead a delegation there. And that was really important for us around the input that our senior leaders can have more broadly in the service and leading that as a delegation versus a one-off, sending people to those sorts of events.

**MR WALKER:** Great. So just one more question, I guess, in relation to that. As a former employee of CSD, a lot of that learning is online. So it is kind of me, a one person or sitting in front of a computer doing the training. Is that—that is the scenario, yes?

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**Ms Rule:** Not universally. So I hope actually if you came back into CSD now it would feel different. And I know you have not been gone that long, but as an employee, because—

**MR WALKER:** I do not think it would change that much.

**Ms Rule:** The online training is part of it. But as Ailsa said, we are trying to supplement that with a range of things—and depending on what work area you work in. So for example, in child protection and housing where we have got frontline workers who are out with our client groups, that investment in building cultural competency is even more important than perhaps, you know, some staff in other non-frontline areas. It is important for everybody, but I think we need to invest more in the frontline staff.

So we are doing, as Ailsa said, mentoring, walks on country, cultural capability built into those teams so that employing Aboriginal and Torres Strait Islander staff, and ongoing conversations with our staff about Aboriginal and Torres Strait Islander issues. So I think the online part is a part, but it cannot be the only part and it is not the only part—

**MR WALKER:** Yes, thank you. One of the reasons I am—both of us in the room remember the training rooms out at Belco, remember having three-day orientation with new and/or existing staff. And there was a community panel made up of some elders in the community, people who work for certain organisations, coming in to give us a perspective about the ACT community and how to, I guess, navigate in that.

Because a lot of the next questions we are going to be asking you is about that subject around knowing this community, as diverse as it is.

I remember part of my role out at housing was around providing a presentation on Aboriginal and Torres Strait Islander issues in the community. And then the reinforcement was those three panel members around people who are actually work—who lived here and worked here a lot longer than I have, which gives a really good picture of what is out there in community.

Particularly for young people, because there was a question by one of our community members around, there are continued complaints about case workers with no family experience, meaning they do not have children themselves. And seemingly are culturally inadequate. What is the process for training care and protection staff, both new and existing in this space?

**Ms Rule:** Look, happy to have Ms Lopic up to help with this one. But, you know, I would say that we have really focused very hard on building cultural competency within the child protection workforce. I think—I mean the nature of the child protection workforce is—the demographic is primarily young, primarily female.

We certainly do not have a requirement that people who work in child protection have kids. I think we would have real problems getting workforce is that was a requirement. But they do bring with them skills—other skills, you know, in social work, psychology, whatever their professional background might be. But I do think we have to—we are doing a lot more in terms of making sure that those people understand the local

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community and work with the members of the local community that we have employed on our staff now and others.

But I am happy for Silvia to talk to that a little bit more.

**Ms Lopic:** Thank you. Silvia Lopic, Executive Group Manager, Deputy, Children Youth and Families. I have read the privilege statement and also like to acknowledge the traditional owners.

In terms of the first 12 months of a case worker, they have quite an intensive training and development program. This includes three main modules, three main core parts. So the first one is a six-part cultural development program. That does also include a walk on country. It embeds the child placement principles and has real emersion—immersive program to really understand the work that case managers will be undertaken with families.

The second part is around family group conferencing training. And that is a two-day training as well to really consider, what is family group conferencing and how to embed that into the work.

And the third one is around our SNAICC principle, so we have engaged SNAICC to undertake the child placement principles.

So those three main modules are completed within the first 12 months.

**MR WALKER:** Thank you. There is a comment from a community member saying that, in their experience, CSD do not seem to follow their own legislation of care and protection surrounding removal, not full independent of child placement principles. So there was a perception obviously from community that we are not following those guidelines. So hopefully with the new leadership commitment that you have promised us, we will see some improvement in that area—

**Ms Rule:** And look, to get—just to make one quick comment, I know we are running out of time. But, I mean, child protection is a really tricky space. And we have got a lot of improving to do but we are on the pathway to the point that, you know, we are getting some very positive feedback from stakeholders, including Aboriginal and Torres Strait Islander stakeholders.

But if there are particular issues for community that you are hearing about, or others are raising, often it is case by case, right, in child protection? So if there are particular issues, I am really happy to hear about them personally, as is Jo, or Anne Maree or Silvia, to help address those issues. Because it is hard. Getting child protection right is hard. And it will always be contested and difficult.

We are investing heavily in improving but really happy to hear when issues arise because they will.

**MR WALKER:** Thank you, Catherine.

Any more questions?

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**THE CHAIR:** Yes, before you go, I have just got another comment—I do not know whether it is a comment or a question. But it says, until CSD look at their conscious and unconscious biased assumptions towards families, we as a community cannot move forward.

**Ms Rule:** I will take that as a comment, I think. I do not know that I can address that.

**MS BOOTH:** I think the other question would be, who is mandating all this stuff that you are implementing up the top when it comes to the bottom, because it is not happening on the ground level?

**Ms Rule:** So it—I mean, I know that you said at the beginning, it takes time. It does take time. As Silvia said, that first year of training is important but it has to be ongoing and always that we are working in this way. So we are also embedding this into our work practices, we are changing the way in which decisions are made to ensure that there is cultural advice from people who know this stuff, who can help us make good decisions—

**MS BOOTH:** But if there is something that comes back to the team leaders—

**Ms Rule:** Yes.

**MS BOOTH:** Who is watching that to say, what is happening with our Indigenous kids if they are getting taken by the government—

**Ms Rule:** Yes.

**MS BOOTH:** —who is mandating and watching what is happening with that process?

**Ms Rule:** So there is a—I mean we can go into the detail of how we have changed the governance to make sure that those decisions are getting made by the right people and that we do have visibility of that. So, you know, there has been significant shift in the last 12 months.

Do you want us to go there now, or do you want us to—how would you like me to address that?

**MR WALKER:** You have got three minutes.

**Ms Rule:** Okay. Anne Maree, do you want to—

**MS CHIVERS:** Before Anne—

**Ms Rule:** Give the express version of that answer?

**MS CHIVERS:** The other comment that has also just come through from community as well, and like today you have consistently spoken about Our Booris Our Way. I was actually on the Our Booris Our Way Steering Committee, you know, we spent two years coming up with the recommendations. We actually reported those to government in a

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staggered way, so it just was not at the end of the two years. But yes, the community is actually really, really concerned that the final Our Booris Our Way was released in December 2019.

You know, it is nearly four years later, but for the community they cannot see any change on the ground.

**Ms Rule:** Look I agree with that. I think that is an absolutely reasonable criticism. And—

**MR WALKER:** We have a question about the recommendations in the—

**Ms Rule:** Okay.

**MR WALKER:** —things later—

**Ms Rule:** Okay, happy—

**MR WALKER:** —so if I could stop you there—

**Ms Rule:** Sure.

**MR WALKER:** —and go onto Anne Maree.

**Ms Sabellico:** Thank you. So Anne Maree Sabellico, Executive Group Manager for Children, Youth and Families in the Community Services Directorate. And I have read and acknowledge the privileges statement.

And thank you Member Walker, for your question.

So in terms of having a look at what we need to do to better support our case workers, our team leaders, the operations managers around doing getting some more consistency into decision making and understanding of issues. We have looked at setting up some structural changes across child, youth and family, to better support for consultation, decision-making, and support from our Aboriginal and Torres Strait Islander staff to our non-Aboriginal and Torres Strait Islander staff.

So we now have established our first nations family support team, which is in response to recommendation one from Our Booris Our Way, and it is a supplement to the way in which we were addressing for recommendation one for a while. And that team has got a senior team leader as well as a senior practitioner, whose job it is to have a look at how do we actually look to keep families out of the child protection system—

**THE CHAIR:** Are they identified positions?

**Ms Sabellico:** Yes.

And so they are currently looking at the reports that are coming in, and before we actually do anything else with them, they are reviewing them and giving consideration to them to work in an early support way with those families.



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They also are looking at supporting for any matters that come in that are quite concerning and may need further discussion and consultation. And so then we have a group that is established to discuss any matters that are coming through that need some cultural advice and support as well. And so they are consulting with staff and in fact are guiding the decision-making about what needs to happen.

**THE CHAIR:** Does those consulting with community while all this is going on, or is that not that far yet?

**Ms Sabellico:** Yes. At this stage it is all within, because we are trying to drive behaviours we want from within and then we can also—

**THE CHAIR:** It is just like that community member said, how are we going to move forward if—what did she say? I forget now.

**MS CHIVERS:** Does that help in the restoration process though?

**Ms Sabellico:** So we now have an Aboriginal led restoration team, that is looking at all matters for Aboriginal and Torres Strait Islander children and young people who have been on long-term orders and reviewing for the opportunity for restoration with the family as well. And then they are consulting with the families, with the children, with others.

So those two—

**THE CHAIR:** Do community know who them Aboriginal workers are that you got, the identified positions?

**Ms Sabellico:** Yes, I can give you that on notice, if you like? I can give you the names of the staff—

**MS CHIVERS:** I think more the question is, does the community currently know who those workers are?

**Ms Sabellico:** Potentially not at the moment—

**MS CHIVERS:** Not us.

**Ms Sabellico:** —Member Chivers, but we can certainly make that available in terms of having that on our website in terms of who is on what team. I think that would be appropriate—

**THE CHAIR:** Well not everyone has access to the web, I do not. So is there another way they can—

**Ms Sabellico:** We can work out a better way with you to get that out—

**THE CHAIR:** Yes thanks, Anne Maree. Because I would like a better one—

**MR WALKER:** Thank you Anne Maree—

**THE CHAIR:** Sorry Maurice.

**MR WALKER:** We are going to go for a break right now.

**Ms Rule:** Maurice is ready for a cuppa—sorry, Mr Walker is ready for a cuppa—

**MR WALKER:** We will be back at 11 o'clock, to continue our questions.

**Short suspension.**

**MR WALKER:** Thank you for coming back. We will just start on some workforce questions. We understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as part of improving services to the community, and obviously through the conversation this morning we have touched on some of that. There continues to be concern raised across the community that some staff are not recognised, accepted or connected to our local community. How do you ensure these people meet the definition of being Aboriginal and Torres Strait Islander people and how do you make sure that they have lived experience?

**Ms Rule:** Thank you for the question. Look, I think this is a tricky area. We have kind of two streams, and you will obviously understand this. We have some positions that are identified, but we also have staff who are employed in non-identified positions. We, at the moment, do not require staff to prove their Aboriginality other than for some identified positions, but I think it is, having listened to the hearings, I think it is an area that we need to work with our colleagues in the workplace relations part of the Chief Minister's department to get some clear policy for the ACT Public Service.

So as I said, we do not currently do it in CSD where we require people to self-declare, and we accept that on face value, but perhaps this is an area where we need a whole of government policy. That has to be consulted with the community, because I think, having worked—in the commonwealth this was a problem because there are different views about how you should do it, and I know there are the three criteria and all of that stuff. I understand all of those things, but how those are applied, when they are applied, all those things can be quite difficult. So I think we need some more work across ACTPS on this.

**MS CHIVERS:** I think part of the problem that the community have as well—so I get what you are saying about Aboriginal and Torres Strait Islander people who are in non-identified position, but the problem that the community have raised with us and other people in the ACT Public Service as well, is that often those people, the directorates are like, “Yes, we have got all of these Aboriginal and Torres Strait Islander staff,” and then they seem to put that cultural load on those staff, that they rely on those staff to provide them cultural advice and things like that.

But the problem community have is that those people may have absolutely no connections with the local community.

**Ms Rule:** Yes. Look, I think that is a really important insight, and we have talked briefly

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about some of our recruitment strategies, but actually the retention of staff requires work on not putting cultural load, maintaining—we hear a lot about lateral violence. I think it is really hard for Aboriginal and Torres Strait Islander staff sometimes to be the face of those issues for government. It is hard to represent the community, and work in the community, and live in the community.

We need to support our staff to manage some of those complexities. I have been here a bit over a year now, and I have worked in Aboriginal and Torres Strait Islander affairs at the commonwealth level on and off for a long time, but I have also lived here for a long time and one of the things that really I have learned in the last year that I was not aware of before is just how diverse the local Aboriginal and Torres Strait Islander community is.

So I think, when I talk about our workforce reflecting the community that we serve, I think that means that our Aboriginal and Torres Strait Islander staff have to also reflect that diversity. So it is about employing Ngunnawal people, it is about employing people who are not Ngunnawal but may have lived here their whole life, or a significant proportion of their life, it is about employing people who have had lived experiences of the systems that we provide or the services that we deliver.

So I think that diversity amongst our Aboriginal and Torres Strait Islander staff is just as important as the raw number of Aboriginal and Torres Strait Islander staff that we employ, and supporting those staff, being the best employer that we can, in terms of using the skills and experience of those staff but keeping them safe and keeping them connected to community in a really positive way is really a focus for us.

**MS MCGRADY:** That diversity is really, really important, but if the community do not know who they are then you are starting right from the very beginning, because they also need to build that relationship with the community in order for their position to work.

And it is all about community knowing more about who we are working with and whether that information is really lived experience advice and support that they are giving, but also really listening to the community-controlled organisations that are so much the experienced they lived, and breathe this kind of work, and it never leaves them.

So that is the key, is the community. Because the community are telling us, “We want to know,” and how is that engagement going to improve there to be able to improve here?

**Ms Rule:** Look, I agree, and I think what I do not want is that we employ Aboriginal and Torres Strait Islander staff and then we say to them, “Is this culturally appropriate?” And they say “Yes,” and we go tick, we have engaged.

You cannot ask one person. Just like if I asked you a question, Paula, you may have a different view from Jo. It is that diversity of engagement and consultation, and our staff are part of that, but actually it is much bigger than that, and it has got to be from all of us.

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As much from our non-Aboriginal and Torres Strait Islander staff, the Aboriginal and Torres Strait Islander staff cannot carry that load on their own, and we cannot fall into the trap of saying, “We consulted with Aboriginal and Torres Strait Islander community because we asked one person who works in housing or one person who works in child protection.” It is not fair to that person, but it is also not effective engagement with the community.

**MS MCGRADY:** No. Thank you.

**MR WALKER:** Thank you, Catherine. So that you do not get to repeat yourself over the next couple of questions, some of the questions that we put on you were how do you track compliance with that process, and you were just talking about getting checks and balances in place. How have these roles and their responsibilities been communicated to community? It goes to a lot of credibility for that person in the community and also reflects on the directorate, of course.

And how do you insure that the advice that you give you is culturally appropriate, and you just mentioned that. So in relation to designated positions, when designing roles what are the requirements for specifying an identified or special-measures role?

**Ms Rule:** So look, there are a couple of ways we do this. So the first thing is to decide whether a role is an identified position or not. We do that on a case-by-case basis. It depends on what the role is, depends on which team it is. We have, I think, in some areas we have tended to go less towards identified positions because we find we are actually getting broader, more diverse fields when positions are not identified. But that does not mean that we do not recruit Aboriginal and Torres Strait Islander people into those positions.

Where we decide that we are going to have an identified position, we use the three criteria that I am sure you are aware of that are commonly applied. So we use those three criteria to determine Aboriginality, and that is how we manage that process. But as I said, I think there is more work to across ACTPS on consistency around that.

**MR WALKER:** Thank you. How many Aboriginal and Torres Strait Islander people are working on projects or programs that are not specifically for the Aboriginal and Torres Strait Islander community?

**Ms Rule:** It is roughly 50-50. So I heard you ask this question of my colleagues, it is a benefit of going on day 3. So we went and did a bit of a look at how many have we got on Aboriginal and Torres Strait Islander programs and how many not. It is roughly 50-50, but I would say of the 50 per cent who are working in mainstream areas, the nature of CSD’s business is that even in our mainstream areas you are providing services to Aboriginal and Torres Strait Islander people.

So even if you are in child protection and you are not in the First Nations team, for example, but you are a case worker, you will be dealing with Aboriginal and Torres Strait Islander families. So we have not unpacked it down to that really detailed level, but it is roughly 50-50.

**MR WALKER:** Thank you. On recruitment panels, has there been Aboriginal and

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Torres Strait Islander independent of government been a part of the panel to help with these assessments?

**Ms Rule:** For some positions, yes.

**MR WALKER:** Some positions.

**Ms Rule:** Yes.

**MR WALKER:** We will move on to priority reform 4. How are you progressing the principles of indigenous data sovereignty?

**Ms Rule:** I might ask Mr Moyle to talk to this one. I would say, just as opening kind of comment while Brendan gets settled, we have got more work to do on data. This is a challenging area for ACT government. Having spent most of my career in the commonwealth where you have lots of money and big systems, data is much more accessible.

That is not necessarily so in ACT government. So I think we do absolutely have some challenges on how we collect and collate data, and how we progress the data sovereignty on the data that we do have. But we have got some big gaps in our data. But anyway, I will make that opening salvo and hand over to Mr Moyle.

**Mr Moyle:** Thank you. So I think there is probably two things I want to speak about, if it is all right. The first one is how we actually currently collect and gather data and make that publicly available. That is around the agreement, but also around Closing the Gap. There are gaps in the data actually captured at a national level at a jurisdictional level. We are working with our data teams to particularly build a dashboard.

Right now a lot of the report is actually based around the impact statement, the annual report for Closing the Gap. That does not allow for informed decision-making, it does not allow for community or government to be able to respond on things that are going well and may be seeing positive outcomes or seeing negative outcomes.

So the first thing that we are doing, we are actually building a dashboard which will actually look at the data that we have actually got. How frequent we can update that, and then we can actually share that and use that, both through our governance structures which the elected body sits on, but as well as to inform then how we push the other directorates or work with the other directorates to respond and be agile to that.

The second thing I want to talk about is under Closing the Gap, there are provisions for regional community data governance projects. We have actually nominated the ACT government as one. We have been having conversations with the Australian government. We have had some very preliminary conversations with some of the ACCOs just to flag that we want to come out and have more of a conversation.

This is not about government controlling it. We want to work with the elected body as we start to actually formulate that approach, but what we would like to see, working in general partnership and being guided by the community through the elected body and through the ACCOs is to work out what that data capture actually is, what is needed in

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community to demonstrate particularly the work that is happening not from government, but from the community sector, and then put forward a submission for the ACT to participate in that.

The data that is owned through that is the community's data. It is not government's data. It is something that is actually built. So we are very committed to data sovereignty.

**MR WALKER:** So what as your directorate done to appropriate identify Aboriginal and Torres Strait Islander people receiving services in your directorate, and how is this in line with the indigenous data sovereignty?

**Mr Moyle:** Again, part of the conversations we are actually having with our data teams is particularly to identify, not just within CSD but have a broader approach across the ACT government identifying what the Aboriginal and Torres Strait Islander demand on services is.

Quite often the challenge within governance is that in some areas, decisions are actually made based on population level data rather than demand data. That information that we are trying to actually build now, we are building the systems to be able to do that, will be critical in terms of that transformation elements, where we can actually go and work across CSD, but across the ACT government, to say hypothetically, if you have got 15 or 20 per cent of your client base at Aboriginal and Torres Strait Islander, or 10 to 15 per cent, or whatever it is, that pro rata, the funding that is available should be actually allocated out to Aboriginal Community-Controlled Organisations.

It should inform recruitment processes and how we actually strengthen the engagement community in terms of setting those policies.

**MR WALKER:** Thank you, Brendan. We are going to move to some direct specific questions from the community as well, as the ones that are submitted by the elected body. Can you provide an update on the number of the Aboriginal and Torres Strait Islander children being reported to child protection, having a report substantiated and how they move through the child protection system, including a breakdown on kin carers between Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander kin?

**Ms Rule:** So I am not sure we will have all of that data available right now, but really happy to take it on notice. I am sure Ms Sabellico can give high-level numbers about Aboriginal and Torres Strait Islander children and families in the child protection system, but then the more detailed underneath that, we will have it, I just do not think we have it accessible right now.

**Ms Sabellico:** And we would have to go through and take a fair bit of information out. So happy to provide the overarching report for the committee, so we will take on to do that. But just to give a bit of an overview, so in terms of the question about how do we now work on any reports that are coming into the system and what happens there.

So as I mentioned before, of course, we now have our First Nations family support team that look at all the reports as they are coming in to have consideration for which matters actually they will work with, prior to it going into the child protection system. They

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have successfully, in the time that they have been operational, supported six families to not come into the child protection system and worked with them to keep them out of the child protection system.

For the first six months of this year we did not take one Aboriginal and Torres Strait Islander matter to court for emergency placement. We have, however, in the last couple of weeks seen a couple of families where we have had to undertake some action, but no action to be taken without consultation with Aboriginal staff. So usually two to three, because we are moving away from single-point decision-making, and only one person making decisions to at least two or a discussion group of more, to influence that.

And we also use that opportunity for live-learning with our staff who need to participate when they are talking about case work matters and be there to listen and hear what it is that our Aboriginal colleagues are saying in terms of what is required in terms of case direction, case support, and provide that information, and everything is monitored out of my office as the executive group manager.

So I keep track with the case work team about what they are doing and how that is working, and then that means that the accountability rests with me to make sure it is happening rather than the Aboriginal staff having to carry that load.

In terms of out of home care, as I said, we have actually now got the restoration task force in place, where we are having a look at all of the—I think there was about 58—matters in out of home care where we had long-term orders and no review of potential for restoration has occurred, and they have been working again on that, and we have got about 12 families going through that process at different points of the process, and we are happy to actually provide you with an overview of the stages as well as part of that.

So we can provide that for committees who understand exactly what we do at different points in time for those decisions, who is included and how we actually bring in external parties.

**MS MCGRADY:** Can we just find out how many people are working on that restoration team?

**Ms Sabellico:** At the moment we have two Aboriginal and Torres Strait Islander staff working full-time on that project.

**MR WALKER:** Thank you.

**Ms Rule:** Just to give a line number too, that might be helpful to the committee, in the last year we have seen the proportion of Aboriginal and Torres Strait Islander out of home care decrease from 31 to 29 per cent. So still too high, but it is heading down, which is positive, and 80 per cent of those kids are in kinship placements.

**MR WALKER:** Thank you. Can you provide an update on the number of recommendations outstanding from the “Our Booris Our Way” review presented in 2019, provide a pathway to address these recommendations, and if you can also include what are the current obstacles preventing implementation of the full intent of the “Our



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Booris Our Way” recommendations?

**Ms Rule:** I am not sure that I can reflect on what the obstacles have been. I agree with the observation from Member Chivers that it has been too slow, but absolutely in the last 18 months we have committed to and progressed significantly on a number of the recommendations. So I think we have moved away from a model where we would go to every meeting and tell the community a bunch of stuff that we had done, to actually have a quite different conversation with the community about achieving the intent of the recommendations.

There are a small number, and I do not know the number off the top of my head, of recommendations where we have either agreed to close or are very close to closing those recommendations, but there are a number where we have made, in my view, and I hope in the view of the committee, made significant progress in the last 12 months, where none had been made previously.

So as I said before the break, I accept the criticism that it has been too slow but reiterate our commitment to moving forward with the committee on the implementation of the recommendations as they were intended by the committee. So I think we had got into a bit of a habit of saying we did something with Aboriginal and Torres Strait Islander families or children, and it was kind of broadly related to recommendation whatever, but actually going back to the heart of, “What is the problem that we’re addressing here?” and taking real action to agree the way forward and absolutely committing to and delivering on that agreement.

So I think, as I said, we have made significant progress in the 12 months where we have not before.

**MR WALKER:** Thank you, Catherine. Obviously, the subject itself, care and protection out of home care is very sensitive to our community. We have got a question in relation to that from our community members, so I will try to get as many of those across as possible. We may end up providing you with the questions to answer on notice by the time 12.30 comes around, but I will try to get as much as we can.

So some of the questions from our community are, “There is not a universal risk framework utilised by CSD in the removal of children. It is primarily up to the individual manager or staff. Why are your staff continuing to operate in this manner?”

**Ms Sabellico:** Thank you again for your question. So since I came into the role as executive group manager, we have been undertaking a whole lot of work around looking to reform for child, youth and family as a division. And part of that has been to understand exactly where we have not got it right in terms of the systems required to support a good child protection system.

So one of the things that we have looked at of course, is the need to reconsider our intake process and our appraisal processes, and in doing so have identified that yes, we do not have an appropriate risk assessment framework, and so we are working towards establishing a program of work to actually embed a risk assessment framework from the beginning of a report right through to decision-making around case direction and closure.

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We are working, in terms of looking at what will be the tool. We have had some work through discussions with community about some tools that are in place with community and which ones are the preferences there, and we will look to establish those. At the moment it does look more like a structured decision-making tool that we will look to introduce and implement.

And we know from our discussions with other jurisdictions. New South Wales has just gone through a big process around making it more validated for cultural issues and stuff as part of the tool, and so we will look to build on that. It is a lengthy process and will require lots of consultation with our community partners and other directorates and stakeholders that we also expect will need to be involved.

**MR WALKER:** You just mentioned about the Aboriginal cultural data. I just want to add to that question, and it goes back to the data stuff, Catherine. Will there be a measure that relates to our own ways of wellbeing, not non-Aboriginal data that does not take our culture into account? So I am assuming that part of what you just said is around that consideration as well. I mean Brendan did mention stuff about how we are kind of revamping how we are going to collect data, and maybe that can be a consideration going forward in that space. And also, is that linked in with the reform?

**Ms Sabellico:** Yes. That is all part of the reform, and we are also looking at how can we actually get involved earlier and provide an earlier support rather than a child protection intervention. And so part of that is we have established some different arrangements within our intake team to look more closely at pre-natal reports to be able to do work before a child is born, and what does that look like, and working with health and NGO partners around that.

As well as then, with matters coming forward around family and domestic violence, we want to set up similar so that we are getting a far more earlier support approach in, and that is also being considered as part of the modernising of the Act and embedding different ways in which we can look to work from that framework.

And we have also got our next steps program of work, which is having a look at the broader children, youth and families service system, and we are investing more in terms of the looking at the diversion, restoration and preservation services than the placement, and we want to be able to move children back with families, and that whole service system is being set up to allow for that to happen.

**MS BOOTH:** Can I just ask a question. Is that how you are gaining access to know that our young Aboriginal people are pregnant in the community?

**Ms Sabellico:** Sorry, how?

**MS BOOTH:** Is that how you are gaining the access to know that our Aboriginal people are pregnant, especially our younger generation, who are being contacted by CYPS to join a parenting program?

**Ms Sabellico:** At that point in time, we only know about pregnant young women through the reports that we receive in. There are models of service delivery however

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that mean that you can have a far more volunteer arrangement, so we are keen to have a look at some different models as well, in terms of supporting.

But at the moment, we action reports that come in. How we action them, we are doing them differently.

**MS CHIVERS:** I just want to say, for the benefit of our community that are watching the live stream, you mentioned community partners. Can you please specify who those community partners actually are.

**Ms Sabellico:** So it depends on the piece of work that we are undertaking, but we have conversations broadly with Gugan Gulwan about the reforms. I have met with Kim directly to talk about the reforms and what our thinking is going forward. We have met with Yerrabi Yurwang, we have had a session with Yeddung Mara recently.

I know that Chris and his team are looking to bring in all Aboriginal Community-Controlled Organisations to do presentations to CSD staff, so we can start the conversation and dialogue on an ongoing basis around support. We have also had some conversations with Winnunga, and we do have two groups that we connect with regularly.

One is called Safety in the Pouch, which is a group of staff from across community-controlled organisations, mainly Gugan and Winnunga, who do a lot of work with CYF, as well as then there is an Aboriginal and Torres Strait Islander co-design group which is constituted of people with lived experience, and we also consult with them.

And through next steps, we have a critical friends group, and that membership has got about 30 per cent membership Aboriginal and Torres Strait Islander representation. So there is the interim children's advocate, there are a number of CEOs from community-controlled organisations. So again, it would be—I can get you the names, actually. Yerrabi Yurwang is part of that. We also have the Aboriginal Community Visitor on there, but Member Chivers, I can actually get you the list of the names for the record.

**MR WALKER:** That would be great. Thank you, Anne. ...(indistinct)... [11.32.21] Ailsa at the moment.

**Unknown Speaker:** Ailsa.

**Ms Sabellico:** That is all right, then ...(indistinct)... [11.32.25]

**MR WALKER:** Since the Youth Justice Blueprint, lack of collaboration with one of our organisations, Gugan Gulwan, has been non-existent. What are your plans to improve relations with all ACCOs, and also how is youth justice operating? Gugan Gulwan has zero input into First Nations case management, nor throughcare for those exiting Bimberi.

**Ms Sabellico:** I do know that we work extensively with services on a program basis within Bimberi, and certainly Gugan Gulwan runs an art program fortnightly in Bimberi and also does some case management support. We do know we need to get better at bringing Gugan in earlier around matters, and so we will continue to look at working

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through that, both from a child protection youth justice perspective as well as then a Bimberi perspective. I will take that one away and continue to have a look at working on that.

**MR WALKER:** I am assuming that the work that Chris is going to be doing with ACCOs will improve that relationship even more, so hopefully that gets to that point. How does youth justice determine effective case management for First Nations young people within Bimberi?

**Ms Sabellico:** Within Bimberi, they actually look at how do they appropriately then support the young people in that sort of environment around daily structures, daily programs and all of those areas? So they do consult with families, children and other partner agencies that may be involved at a point in time, and they start off bringing together the equivalent to a care team for those sorts of conversations.

They also have oversight from the official visitor—the Aboriginal and Torres Strait Islander Official Visitor would come in, as well as then the Children and Young People Advocate comes in to be able to discuss matters. They have access to the Aboriginal Legal Service for legal support and advice where that is required for court matters as they go forward, and as I said, they would bring in any agencies that they are aware of being involved as part of their case planning and setting of the directions for those children.

I can let you know that the numbers at the moment—we have 13 young people in Bimberi, of which five are Aboriginal and Torres Strait Islander, and there were two case conferences this week for two of those young people.

**MR WALKER:** What health services are delivered within Bimberi? Do you know that?

**Ms Sabellico:** Health services are delivered by Justice Health.

**MR WALKER:** Justice Health. Okay. Thank you.

**Ms Rule:** But it is a complete range of health services either delivered within Bimberi, or the young people are taken out to access those services as they need to.

**MR WALKER:** Last question from this particular community organisation: what is the status of Narrabundah House?

**Ms Sabellico:** For the recent past, Narrabundah House has been closed for renovation and repairs, but it is now fully refurnished and ready to go, and I think we have been having conversations about any referrals that are available at this point in time.

**MR WALKER:** Any other questions there?

**MS MCGRADY:** I was just going to have a comment. The comment I have got is that I know the health system at Bimberi is very good in regards to all the young people, particularly the Aboriginal and Torres Strait Islander people.

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**Ms Rule:** I think one of the things about Bimberi is that often the young people are getting connected to health services and education for the first time in a long time, so whilst most often young people are in Bimberi for relatively short periods of time, for the most part—not always, but for the most part—we try to get them connected to those services. We take that opportunity to try to make sure their health needs are getting addressed while they are in Bimberi.

**MR WALKER:** Thank you. Next question: how many Aboriginal and Torres Strait Islander children have been restored to their birth families in the past two years?

**Ms Rule:** I will just have a look and see if we have got that quite specific piece of data, Member Walker.

**MR WALKER:** If you could break it down by children on short-term and long-term orders. Take it on notice? Thank you.

**Ms Sabellico:** We will make sure that we provide you the full breakdown.

**MR WALKER:** Thank you. Of the cultural care plans that must be in place for Aboriginal and Torres Strait Islander children in care, what proportion of children have cultural plans that have been reviewed within the last 12 months? How are they measured for cultural proficiency and compliance?

**Ms Sabellico:** Okay. I can let you know that we are currently sitting at all cases have been reviewed in the last 12 months, and Silvia will let you know how the whole process was undertaken.

**Ms Rule:** While Silvia gets settled, I think I will just say that this is a matter that has been brought to our attention frequently by stakeholders and by the Our Booris committee, so we really put a lot of emphasis on making sure that every one of those plans has been reviewed in the last 12 months.

**Ms Lopic:** Just to add to that, in terms of the recommendation in Our Booris, significant effort to look at quantity as well as quality, so we are looking not just to increase the number. We are pleased that there are no children without a cultural plan, and that is great, but what we can say also is that each and every one of those plans has been reviewed by a Cultural Services team member and endorsed, and many times they are sent through to the team and reviewed quite extensively, and there is a coaching program where the staff member will go back to the case worker and talk through what elements may be missing.

So it is not just a tick and flick. It is a work in progress; it is a practice development opportunity, and we have received feedback from the Cultural Services team that the plans have actually increased in quality and there is less rework going back and forth, so there is a quality assurance process now.

**MR WALKER:** Thank you, Silvia. How has family group conferencing been implemented, and how many children and families have not progressed through the statutory system due to the conferences outcomes?

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**Ms Lopic:** In terms of the numbers, again, one of the key recommendations from Our Booris, Our Way—and we have had a significant program of work where we wanted to improve awareness in the community over the last 12 months about the program, so that has been a significant shift in introducing the facilitators, getting out to community organisations. I understand the team have gone out to places like Gugan, but also the AMC and other places to really introduce and reintroduce to the community what family group conferencing is.

In terms of the numbers, we have had 21 completed this year. We have had 55 referrals into the program this year. The last part of your question was of the—could you just repeat the last part of the question?

**MR WALKER:** How many children and families have not progressed through the statutory system due to the conferences outcomes?

**Ms Lopic:** Not progressed through? I can confirm 21 have progressed through, so all of those—

**Ms Rule:** I think the question is how many children have not gone into the statutory care system as a result of family group conferencing. I suspect we do not have that data. It may be, given that this has been a pilot activity, the numbers are probably quite small, so we will just need to—you know, we do not normally report numbers less than five because people can be identified, but we will just need to take that on notice, I think—the specifics.

**MR WALKER:** I think it is important we know that obviously family conferencing works. Obviously preventing kids getting into the system. That is why the conferencing program was implemented so that it stopped family being part of the statistics. I think maybe if you can provide that—and I will obviously make a commitment to recording those numbers—it will be good information for community.

**Ms Rule:** We agree that it works, which is why there is ongoing investment in family group conferencing.

**MR WALKER:** What new programs have been implemented to increase the level of early support responses for Aboriginal and Torres Strait Islander children and their families?

**Ms Rule:** It is a very broad question. I think Anne-Maree and Silvia have responsibility partly in terms of the child protection system, but we also have a range of programs delivered within CSD through, for example, the Child and Family Centres that we have; or the Child Development Service, where there are programs that are both targeted at Aboriginal and Torres Strait Islander children, for example, and families, for example—the Koori playgroups, the support to Aboriginal and Torres Strait Islander mothers.

There are a whole range of programs that we deliver through the Child and Family Centres, and the mainstream programs that we deliver that are also accessed by Aboriginal and Torres Strait Islander families. So there are a broad list of them. If you want us to kind of list them, we can. Otherwise, we can provide a bit more information on notice—

**MR WALKER:** That would be great.

**Ms Rule:** —so that you have got that for your report.

**MR WALKER:** In the interests of time, if you take that question on notice that would be great. Provide that to us out of session, unless you have got something that you want to add to that, Anne-Maree?

**Ms Sabellico:** Just to add to that is that we have just gone out with our tender for the broader child and family service system, of which we have committed to transfer up to 100 per cent of Aboriginal and Torres Strait Islander children, young people and families from the current non-Aboriginal and Torres Strait Islander services into Aboriginal Community-Controlled Organisations.

That work is currently underway. We have just had the tender briefing last Friday, and we will now look to work with any Aboriginal Community-Controlled Organisation interested in providing any one of the packages that we have available, which goes from diversion—so out of the children protection system—to support for preservation and restoration, as well as then doing the 24/7 foster care kinship care services and some other packages.

Then we will work with those agencies to look to develop the program of work that is needed to establish from 1 July when all of the new arrangements will take place, and then also continue to grow capacity over the years post that in order to then increase the numbers over time to have full transfer out.

**MR WALKER:** Thank you. What has been the change in the number of Aboriginal and Torres Strait Islander children and young people referred to and engaged with restoration services from 2020 to 2023?

**Ms Rule:** I think we will have to take that on notice.

**MR WALKER:** Okay. Thank you. Community question: when was the last time the community panel reviewed cultural care plans?

**Ms Rule:** I think, as Silvia said, the cultural plans have all been reviewed over the last 12 months.

**MR WALKER:** Has there been community involvement, or just internally?

**Ms Rule:** It is an internal—so that is not something we typically go—because of the information restrictions on child protection, we would not normally seek community involvement in the review of those individual plans.

**MR WALKER:** Thank you. That is a sufficient answer. Can you provide an update on the establishment of community-controlled organisation for early support and the statutory services for child protection?

**Ms Rule:** I think Anne-Maree has probably just answered a lot of that.



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**MR WALKER:** All right. Thank you.

**Ms Rule:** Just to make one more comment on that, we are very conscious as we go out to market for all of those services to not lock ourselves into something for a four-year period. We are conscious that the sector is rapidly developing. At the moment we are kind of locked into the arrangements we have got with ACT Together. That is coming to an end, and so we are building something that means as the sector develops, it is not just going to be, “Who is ready to go on July 1?” It is, “As capacity increases, how do we transfer more and more out over the coming years?”

**MR WALKER:** Thank you. Next question: how has the Next Steps Program incorporated community responses in relation to the effectiveness of programs to support Aboriginal and Torres Strait Islander children and their families?

**Ms Rule:** Next Steps is a broad policy document. It was absolutely developed with input from the community—from various parts of the community, and we are now at the point of implementing a range of things, but not everything that is in Next Steps. It is kind of an eight-year policy journey. There are some specific things that we can talk about now, including that procurement that Anne-Maree has just outlined. It is really that first critical chunk of Next Steps, as well as all the reform that we are doing internally, so it is quite a broad question.

I do not know whether, Anne-Maree, you have got other—or Jo—have got specific examples, but I think Next Steps was developing in conjunction with the community and we are now into implementation, and much of it is focused on early intervention, particularly for Aboriginal and Torres Strait Islander families.

**MR WALKER:** Thank you. We are receiving feedback that the official visitors are being denied access to children in externally provided children protection services. How will the directorate address this?

**Ms Rule:** That should not be happening, and if it is—so that might be a quite specific example. It should not be happening, so if it is, we would stop it. If there is some further information out of session that the community member could provide, we would be happy to look into it.

**Ms Sabellico:** We are required to inform the official visitors, the Public Advocate and the interim Aboriginal and Torres Strait Islander Children’s Advocate of any notifiable places for the purpose of visiting. We also inform both the Public Advocate and the Interim Aboriginal and Torres Strait Islander Children’s Advocate of any children that are in those externally-supported placements, of which we are talking a very small number. There are seven placements outside of the current NGO placement provision.

**MR WALKER:** Thank you. Has the directorate developed and implemented mandatory reporting guidelines for working with Aboriginal and Torres Strait Islander families, and has this led to the number of Aboriginal and Torres Strait Islander children being reported to care and protection?

**Ms Rule:** I think mandatory reporting is defined in our legislation, so that is where it is

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kind of defined. We do not have a set of guidelines. We have got legislation that we are obliged to comply with. The legislation is currently under review, and in the next 12 months we will be rewriting the legislation, or we are currently rewriting the legislation. So I am not quite sure how to answer that question other than to say the legislation defines how we deal with mandatory reporting.

**Ms Wood:** Anne-Maree could speak to work we are doing with the mandatory reporters, education and health in particular, about how we make sure people get the best support at the point at which they are supported.

**MR WALKER:** There is a community question. Does Winnunga receive funding for child protection issues? Is that for public knowledge?

**Ms Sabellico:** Not under the current arrangements in terms of A Step Up for Our Kids, but they may get some money out of the CYFSP program, but I would have to check with a colleague on that. No, they do not get money out of the CYFSP program.

**Ms Rule:** We may use them to provide services to individual children in care, but they are not funded to deliver programs.

**MR WALKER:** Thank you very much. I thank that community member for the question. Early childhood. The Australian Early Development Census data was released in 2022 for the 2021 survey. It showed that the percentage of Aboriginal children that were developmentally on track in all five domains has changed less than one per cent in three years between the 18 and 21 Census of 27 per cent. This is still less than half of the national target. We know that there are five Koori preschools and 100 additional places in 2024. How does the directorate intend to reach the 55 per cent target in the National Agreement on Closing the Gap in the next seven years?

**Ms Rule:** I will get Ms Evans to talk about the Census while you take a breath. We are responsible for the Census. We are not responsible for Koori Pre-School, though.

**MR WALKER:** Yes, we—

**Ms Rule:** We are? We are responsible for Koori Pre-School?

**Ms Wood:** No, no, no. We are not responsible.

**MR WALKER:** For the health checks.

**Ms Evans:** Thank you, Member Walker. Jacinta Evans, Executive Group Manager for Strategic Policy. We are responsible for the Census, and obviously that operates out throughout our schools and in our kindergarten areas. You are quite right that we have had a very, very small change for Aboriginal and Torres Strait Islander children. Sadly, in the ACT we have had very, very minimal change across the last three cycles for all children. In fact, our Aboriginal and Torres Strait Islander children did slightly better than non-Indigenous children in the last cycle, which we are very pleased about.

In general, how are we intending to do better in that space? The government has formed an Early Years Working Group, which brings together health, education and

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Community Services Directorate. We collaborate to work to things like Set up for Success, which is the education strategy which includes the Koori Pre approach. We also cover off on some other early development matters, including the AEDC.

We are working together as officials to talk about what are the ways we can improve outcomes for young children. We have just recently with the commonwealth negotiated some additional funding in terms of the AEDC, and we are putting to the minister some proposals around how we could better get young children, three-year-olds, ready for school so that when they hit school their AEDC results are strengthened. Certainly, Aboriginal and Torres Strait Islander children are a focus group for us in terms of that additional funding.

Minister Berry has not yet had the opportunity to sort of make any decisions around that funding. We have just signed that agreement with the commonwealth this week, but we are hoping that we will have some pilots or some projects that we can do in the hope of improving those outcomes in the next cycle.

**MR WALKER:** Are there any new strategies identified, and how will CSD work with education to focus on more work on achieving this target?

**Ms Evans:** There are some strategies related to our Child Development Service in terms of intervention with children, which Ms Summerall could go to, which is for two-to-three-year-olds to get intervention around developmental delays and disability concerns. More broadly than that, it is probably more in the planning stages around waiting to see what comes out of the NDIS review, which we will hear from the commonwealth later this year. We do expect that the ACT will make some changes around early childhood development.

**MR WALKER:** Yes, because we talked to ACT Health about the health checks, and they are only available for five-year-olds and above. So we talked about the possibility of looking at the three-year-old because of those developmental issues so that we can identify that early so that there will be special measures put in place so that we look at focussing learning strategies for those young people.

**Ms Evans:** Yes. The Early Years Working Group are working on a proposal around three-year-old developmental checks, Member Walker, so we do expect to be able to put to the minister some suggestions around what would be the appropriate way. Again, checking in on those small cohorts of children such as children in Koori Pre may be an appropriate way to go forward with developmental checks.

**MR WALKER:** Jacinta, is there a funding amount set aside for that project?

**Ms Evans:** Not at this stage. As I said, we will put to the minister some suggestions around how we could use additional AEDC funding, but also some of these things could be subject to future considerations by government, depending on what the implications are. At this stage, we are really looking at what would be the most appropriate way to do this.

I know there are some culturally appropriate tools around development checks that we could consider, but they do have to be just not your run-of-the-mill developmental

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checks that have been developed for non-Indigenous children. So there is a little bit of work that we need to do around that and there could be financial implications, but that is for government to consider.

**MR WALKER:** Thank you very much. Housing. How does the directorate support and promote the increase of Aboriginal and Torres Strait Islander ownership for the region, and what are the current ownership rates in ACT, if you know that?

**Ms Rule:** You mean home ownership?

**MR WALKER:** Home ownership.

**Ms Rule:** I am sorry. Those are going to be questions for our colleagues in Treasury.

**MR WALKER:** Treasury?

**Ms Rule:** We can answer questions about public housing and public housing programs—

**MR WALKER:** Public housing. No worries.

**Ms Rule:** —but those go to issues of home ownership. That is not our responsibility.

**MR WALKER:** Okay. Thank you. How does the directorate intend to maintain the National Agreement target to increase the proportion of Aboriginal and Torres Strait Islander population living in appropriately-sized, not overcrowded housing to 80 per cent by 2028?

**Ms Rule:** Again, we can talk about this from a public housing point of view.

**MR WALKER:** That would be great.

**Ms Rule:** Strategies for this issue more broadly belong to other directorates, but we can talk about programs where we are providing public housing to Aboriginal and Torres Strait Islander Canberrans.

**MR WALKER:** If that question were rephrased to include public housing?

**Ms Rule:** Yes, so that is the only part we can talk about. Perhaps if Mr Aigner could give some data on the number of Aboriginal and Torres Strait Islander people in public housing, and an overview of how we work with the Aboriginal and Torres Strait Islander community in providing public housing.

**Mr Aigner:** Geoff Aigner, Acting Executive Group Manager for Housing ACT, and I have read and understood the privilege statement. The number of First Nations people in public hospital is around ten per cent of the portfolio, so around 1,100 tenants, double that in terms of people in the household. As you know, Member Walker, we work with them through the system, and the application, assessment, allocations people have training to work with First Nations people.

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**Ms Rule:** I think in terms of overcrowding, part of the decisions that we make around allocation is an appropriately-sized property for that family, so we would not allocate a one-bedroom apartment to a household of five or six people. One of the challenges of managing the waitlist is when people get to near the top of that list, matching them with a suitable property, but that is absolutely part of our process is to match people to an adequate property that meets their needs.

**Ms Wood:** Member Walker, if I could just note that the ACT is already ahead of the national target for Closing the Gap, but obviously our aim—

**MR WALKER:** Yes, 90 per cent.

**Ms Wood:** Because we started at a higher baseline, but our objective under the ACT agreement is to exceed that.

**MR WALKER:** Thank you.

**MS BOOTH:** Just a question about how do you help the people that are in houses now that are overcrowded, and how are they moved to bigger properties?

**Mr Aigner:** Thank you. There is a transfer program, so people can go onto our transfer register. The transfer register then gets prioritised based on need, so that will, in a way, go through a whole reassessment process. One of the aims of the Growing and Renewing Program is to try to right size our portfolio, particularly at the larger end of the portfolio, to provide larger houses for families that need them. But the transfer register is where that happens, and urgency within the—

**MS BOOTH:** Would the Aboriginal people be prioritised? So if we have got a family of nine living in a four-bedroom or three-bedroom property, how does that manager then—because you have some people with medical conditions that might be prioritised over that overcrowding house.

**Mr Aigner:** Yes, so there are a number of factors that go into determining the priority of a transfer. Medical issues, disabilities, what we may know from our collaboration with our colleagues in CYPS. There are a number of factors that go into anything to decide your urgency within the transfer system.

**MR WALKER:** Geoff, what is the current situation with supply and demand?

**Mr Aigner:** We know that our—we are talking about the priority list here, so our priority list is decreasing over the last year. While the overall waitlist is slightly larger, our priority list has come down. If we go to supply and demand at a more granular level, we have a higher demand for one, fours and fives than we have supply, and that is what we are trying to address through the Growing and Renewing Program, and an oversupply of two and threes, and that is also being addressed through the Growth and Renewal Program.

**MR WALKER:** Thank you. The ACT recently received \$50 million from the commonwealth for social housing. How will that money be used to reduce the number of Aboriginal and Torres Strait Islander people experiencing homelessness?

**Ms Wood:** Member Walker, the consideration of how the government is going to use that 50 million is being led by the Coordinator-General for Housing in Treasury, but we are working very closely with his team on where the priorities are for housing in the ACT, and particularly public housing and the consideration of the needs of Aboriginal and Torres Strait Islander community and the commitment to Aboriginal community-controlled housing provider as well.

**THE CHAIR:** How much of that \$50 million went to Aboriginal and Torres Strait Islander?

**Ms Wood:** We have not allocated any of it—

**THE CHAIR:** You have not got it yet?

**Ms Wood:** It has not come to the ACT yet—

**MR WALKER:** It is generally for social housing.

**Ms Wood:** —the government has not made a decision about how to spend the rest of that money yet.

**MR WALKER:** Okay, thank you.

How will the ACT use the new national housing accord, a shared initiative between the federal and state governments to build one million new homes over five years from 2024 to support in their increased social housing available to Aboriginal and Torres Strait Islander community?

**Ms Wood:** That again is a shared responsibility with the Coordinator General for Housing and from the CSD end our strategic policy area working to support the Minister for Housing to be in that conversation about that national agreement. And we are obviously putting forward into that the ACTs priorities for that national agreement.

And one of the commitments that we have made, and the minister has made, is to ensure that we are putting forward into that national agreement conversation the priority reform and ensuring that we are making—putting the priority reform objectives at the centre of what we put forward for that agreement. So that is still a working progress and that has still got a way to go.

**MR WALKER:** Thank you. How much is allocated for indigenous businesses to participate in ACT housing programs?

**Ms Wood:** Mr Walker, are you referring to the TFM contracts?

**MR WALKER:** Any businesses. Because we know that—well we know that a number of outside organisations of the jurisdiction have been around the ACT Housing asking questions about services like lawn maintenance, repairs and maintenance to public housing, particularly where we have got—what did you say, 1,100 tenancies—1,100 tenancies for Aboriginal and Torres Strait Islander people. We just want to know if

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there was any people Indigenous businesses employed to any of that kind of activities.

**Ms Rule:** So I think this goes to the Total Facilities Management contract that we talked about earlier where all of the repairs and maintenance work is outsourced to a single provider. They subcontract a range of providers. But I do not have the data on the number of those that may be Indigenous businesses, because that is managed by a contractor—

**MR WALKER:** Are we able to get that information, particularly if they are ACT based businesses?

**Ms Rule:** We can have a look at it because the subcontracting is a decision for the contractor—

**MR WALKER:** I realise that, but it would still be nice to know that if there are Aboriginal organisation businesses employed by that contract, that is what we asked in the first instance.

**Ms Rule:** No, I understand the question—

**MR WALKER:** Yes.

**Ms Rule:** What I am saying is I am just—I do not have visibility of what data they hold. But we are happy to have a look into it.

**MR WALKER:** Well build a relationship with them—no, sorry. Just being cheeky.

Can you—what is the current status of the ACT proposed Aboriginal and Torres Strait Islander community-controlled housing organisation?

**Ms Wood:** I can start and then Mr Algner can expand.

So one of the things I would say to start with is it goes to the conversation we have already had about the approach CSD is taking to building the Aboriginal community-controlled sector and working with the sector, and the work that Mr Simpson is doing. And in CSD we are bringing all of that effort together. So we have had separate approaches across CSD and now we are bringing it into the Aboriginal Service Development Branch.

And so that is still happening. So that transition of the housing work into that branch is still happening. But the work is continuing and there has been some work started to work with community on that priority.

I would also say that we are really conscious and have already started the conversation again with Treasury, who have policy responsibility for the community housing sector to ensure that they are part of the conversation and are looking at all—so we are looking at all the options to support a community housing provider as well.

**Mr Algner:** Yes, so there is a number of phases to this work, and we are just coming to the end of the first two phases. Phase one was really the relationship establishment.



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So looking at the community participation approach and the implementation framework of which we use—owned organisation consultancy to help us with that. So that is coming to an end. And I understand that we have consulted with you on that approach—Elected Body, I mean.

We have also done the environmental scan of our other jurisdictions and how they have handled similar transition of housing to ACCOs. I mean, we are now entering the community consultation and listening phase of the project, which will allow us to develop options in phase four, and then move to, hopefully, a new arrangement.

**MR WALKER:** In relation to that situation, the directorate recently made a decision without consultation with the Elected Body, which is a very important election commitment from the ACT government to the Elected Body to set up their Aboriginal and Torres Strait Islander Housing Corporation to transfer the two positions away from ACT Housing. Why was this decision made? And what is the rationale behind this decision, given that the Elected Body lobbied through the representative for those positions to remain with ACT Housing?

**Ms Rule:** So those positions have not been moved away from ACT Housing. They are working with Mr Simpson's branch on ACCO development as a whole. So they are absolutely still working on housing issues. But as I said, when we started to look at development of the ACCO sector it became clear that we could not do it sector by sector because any housing provider, for example, is going to be working with providers of other services. And that the uplift of the sector as a whole was actually where we were going to get bigger success.

So what we have done is move those two people, who are still working on housing, out of the frontline service delivery of Housing ACT, and into the part of the organisation that is actually charged with developing the ACCO sector.

So they are absolutely still—we have just moved the part of the organisation that they sit in. It is a shift in reporting lines. They are still doing ACCO development as it relates to housing but doing it as part of a bigger uplift of the capability of the ACCO sector that Mr Simpson's team is working on.

**MS CHIVERS:** Have they been a part of that consultation in regards to that movement, that shift?

**Ms Rule:** The staff?

**MS CHIVERS:** Yes.

**Ms Rule:** Yes, absolutely.

**MS CHIVERS:** Thank you.

**MR WALKER:** Okay, thank you.

Okay, that is the end of that.

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Disability services. How are Aboriginal and Torres Strait Islander families assisted to access specialist services for disability diagnosis? How many families have accessed that support?

**Ms Rule:** So Ms Perkins will come to the table and help with some of the information on this.

This is a tricky area. So just to give a bit of context, people will remember that when the deals were done to set up the National Disability Insurance Scheme that involved packaging up the services that we delivered in ACT government, transferring the money to the commonwealth to deliver the NDIS. In the ACT we have maintained some services. Although those are limited.

And the NDIS review is actually looking at what has happened, is everything has gone into the NDIS, it has created some gaps. So it is hard to get in. And if you are not—if your disability is not such that you are in the NDIS then the services are hard to access.

So there is absolutely a live conversation happening. The commonwealth is doing a review. We are inputting significantly into that review and what does it mean for the ACT. But that is just a bit of context.

But Ms Perkins can probably talk about ISRP and other things that happen in the ACT.

**Ms Perkins:** Thank you. Anita Perkins, Executive Group Manager for Communities Division. And the Office for Disability is in my division.

So there are two service provisions that community's division is responsible for. The child development service, and Ms Summerrell can go into more specific details on the child development service. And then also the integrated support program where we provide crisis support for people with a disability.

Probably the most significant undertaking that we have had underway over the last year is seeking consultation with the community to inform the ACT's 10-year disability strategy. And we undertook consultation late last year and into this year, including specific consultations with members of the disability community to inform our strategy, and our strategy sits underneath the national strategy and as Catherine mentioned, we are awaiting the outcomes of the NDIS review and the Royal Commission as well, but we are progressing those conversations to inform the ACT strategy with the levers that we do have access to.

So we were very privileged to have two members of our disability reference group who are Aboriginal women lead consultations with the community late last year. We had a couple of sessions with community members, and I think we had close to 30 community members of people with a disability or families or carers for people with a disability participate in those sessions, and give us really rich insights into their experiences.

As Catherine touched on, a lot of the feedback that we got was in relation to service delivery but also more generally their experience and what is hard and what success would look like for people with a disability and the family and carers with disability. So our participants in those sessions told us what good looks like, services that are led

and staffed by Aboriginal and Torres Strait Islander People, services and support that are easy to navigate, and that carers are really well-supported as well.

They also told us what was really hard and, you know, what was really hard is that it is hard to find safe services and support, culturally safe services and support, that the system is hard to navigate and services are not coordinated. The cultural safety in education for children with disability is really important and needs to be at the forefront of thinking. We heard challenges about families with a person with a disability, about appropriate housing for them within their family structures, and we also heard from participants that they have not had disability support services provided by First Nation service providers in their lifetime.

**MR WALKER:** Thanks Anita. The guts of what you just said is actually part of the next couple of questions so thank you for that. I will just read you the questions so that there is no—how is the directorate assured that the services provided the contracts provide culturally appropriate disability services and part of the review, I guess, or the work that you are doing is—are you trying to determine that?

**Ms Perkins:** Yes, correct.

**MR WALKER:** So at the last hearings, the major issue for Aboriginal and Torres Strait Islander People having plans but being unable to access culturally safe services so that feedback from community is obviously going to go a long way to answering some of those things. Then the last part of that is how has the directorate responded to these issues and how many plans are in place for the ACT community. How many plans are activated? How is the annual assessment process impacting on value and scope of those plans?

**Ms Rule:** So when we talk about plans and assessments, I think we are probably talking about the NDIS so, therefore, provided by the commonwealth so the role really of ACT government is services outside of the NDIS but also to advocate on NDIS. So the kind of feedback that Ms Perkins has just talked about from the community we readily pass that on to the commonwealth and to the NDIS and we advocate—we often hear from people about, “I really need this service or this thing and I cannot get it from the NDIS”, that is when we sometimes get involved and talk to people in the commonwealth or in the NDIS and say, “Hey, we need some help here”. So that advocacy role back into the commonwealth is an important one that we play.

**MR WALKER:** Thank you. Youth Justice is our next topic so what is the strategy to employ Aboriginal and Torres Strait Islander People across all employee levels at Bimberi, if any?

**Ms Sabellico:** Thank you again for the question. So like the process we undertake across Child, Youth and Family as well as more broadly across CSD, we are looking at what are the right pathways and avenues for recruitment and then also the selection of Aboriginal and Torres Strait Islander staff. Bimberi’s recruitment is done somewhat different, so they actually do an intake of new youth workers about three times a year.

I think we are looking at four this year, but three times a year usually, and in the advertisement and everything else there certainly is an encouragement for Aboriginal

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and Torres Strait Islander People to apply, and then they also ensure that the assessment process also covers off on questions and discussion around provision of cultural safety and cultural competence as well. They would also, if they have designated positions, follow the CSD policy around identified positions.

**MR WALKER:** Thank you. So how many Aboriginal and Torres Strait Islander Bimberi clients have cultural care plans?

**Ms Sabellico:** So as the numbers change and some of the young people are only there for very short periods of time, it is a requirement that we complete a plan for young people who are there for at least six weeks or more, and my understanding from the last conversation I had is that they were either all completed or in progress to be completed within the required timeframe.

**MR WALKER:** Thank you. We have received feedback from the community on issues with transport between Bimberi and the courts. Have you received any complaints from detainees regarding the transport?

**Ms Sabellico:** So that falls under our court transport services which sit under Justice and Community Services.

**MR WALKER:** We will send those questions to Justice and Community Services. The next couple of areas of sector and family domestic violence. We are going to send you those four on notice. So the other domestic violence, the national agreement states that there needs to be a significant and sustained reduction in violence against Aboriginal and Torres Strait Islander children. What has the directorate done to improve its response to family violence and its impact on our community?

**Ms Rule:** Sorry, Member Walker, did you say you are going to put these four questions on notice or a different four?

**MR WALKER:** No, I just got a notice saying they do not want to do that.

**Ms Rule:** I will hand to Ms Windeyer then to answer the questions now.

**Ms Windeyer:** Thank you, Member Walker. Kirsty Windeyer, Coordinator-General, Domestic, Family and Sexual Violence, and I have read and acknowledged the privilege statement. Member Walker, could you just repeat your question.

**MR WALKER:** Yes, I can. The national agreement states that there needs to be a significant and sustained reduction in violence against Aboriginal and Torres Strait Islander children. What has the directorate done to improve its response to family violence and its impact on our community?

**Ms Windeyer:** Thank you. The “we don’t shoot our wounded” report, that report made recommendations in relation to addressing the high rates of family violence experienced by members of the Aboriginal and Torres Strait Islander community, and that includes children who experience domestic and family violence. We are committed to progressing implementation of the recommendations in that report, and I am pleased to say that after many years and acknowledging the delay in implementation that some

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progress has been made in relation to that.

We have been guided by the Domestic Violence Prevention Council's Aboriginal and RSI Reference Group in relation to implementation of those recommendations, and that reference group worked with community members to identify all recommendations for priority action. That includes to establish a specific service for Aboriginal and Torres Strait Islander women. That was identified as the first priority.

Following an open grants process, we are pleased to say that Yerrabi Yurwang has a strengthening families program which has recently been funded. Recommendation 9 of the report is also a priority which is to provide advocacy assistance and support to Aboriginal and Torres Strait Islander women, and as Mr Simpson earlier said, Sisters in Spirit Aboriginal Corporation has been funded to establish an advocacy and support service for Aboriginal and Torres Strait Islander women and children in the ACT.

There are other, as Mr Simpson said, Yeddung Mura Aboriginal Corporation was also in our family and domestic and sexual violence grant process, given funding to support families affected by family and domestic violence, including early intervention and diversion activities to men and boys.

There is a range of other activities that are happening in relation to implementation of the sexual assault prevention and response program. That work was assisted by the Aboriginal and Torres Strait Islander consultation committee which gave advice to the steering committee and it delivered its report in 2001.

This year government has engaged Curijo, an Aboriginal-owned business and consultancy to support the meaningful engagement with Aboriginal and Torres Strait Islander communities to ensure that implementation of the recommendations in that report do bring the Aboriginal and Torres Strait Islander lens to them and that they are all of them—overall, there are 24 recommendations—that they are implemented in a culturally appropriate manner and take into account the voices. I could talk more but I think maybe you want to go more questions.

**MR WLAKER:** Thank you. So how are you going to measure that?

**Ms Windeyer:** To measure the outcomes?

**MR WALKER:** Yes.

**Ms Windeyer:** So we do have—across the varying different programs that we have where we have pilot programs, then we do support and we do embed a valuation of the particular pilot programs, so we do have grants under the national partnership agreement which is a commonwealth and territory agreement in relation to activities to reduce domestic and family and sexual violence. As part of that, we will be evaluating those programs with a view to ensuring there will be ongoing funding if those programs are successful.

**MR WALKER:** Thank you. And does that include the activities that are run by the family violence hub?

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**Ms Windeyer:** So the family violence hub is a part of the office and that is activities where they are innovative activities in order to try, test and learn in relation to things that might work to reduce and also improve responses to domestic family and sexual violence, and yes, those activities have a focus on Aboriginal and Torres Strait Islander community and if your question is about evaluation, then yes, there is a robust evaluation process for them.

**MS CHIVERS:** In relation to the funding you were just talking about, community are interested to know how much funding is allocated to Aboriginal and Torres Strait Islander sexual assault survivors in the ACT?

**Ms Windeyer:** Member Chivers, I am not sure that I could answer that question in terms of funding for Aboriginal and Torres Strait Islander survivors. There is a range of different responses that are funded for victim survivors of sexual assault and that is across a number of different services which includes the Canberra Rape Crisis Services, it includes Victim Support. The number of Aboriginal and Torres Strait Islander victim survivors I do not have that information.

**MS CHIVERS:** Would you be able to take that on notice?

**Ms Windeyer:** I can take it on notice certainly.

**MR WALKER:** Thank you. How has the directorate progressed the recommendations from the “we don’t shoot our wounded” report, and what changed outcomes have been achieved?

**Ms Windeyer:** Thank you for the question. I talked a bit earlier about the implementation of the priority recommendations of the “we don’t shoot our wounded” report, and perhaps that answers the questions. There has been progress, as I said earlier, in relation to the commencement of the implementation of the recommendations in that report. I am not sure if you want further information.

**MR WALKER:** Thank you. Can you describe the programs that are to work with Aboriginal and Torres Strait Islander men and boys to develop solutions to support a primary prevention focus on domestic and family violence.

**Ms Windeyer:** So Yeddung Mura Aboriginal Corporation’s family domestic and sexual violence Aboriginal support program has been funded to support families affected by family domestic and sexual violence through activities such as men’s diversion, trauma-informed community education campaign, family-centred healing camps and yarning circles, and incorporating financial services delivered by financial counsellors.

**MR WALKER:** Do you know how many men and boys access the program?

**Ms Windeyer:** That program has just commenced so that they received funding at the very end of last financial year. My understanding is that to date, eight men and boys have been through the programs, but I expect that that will start to increase now that the program is up and running, so it is a new one.

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**MR WALKER:** Thank you very much. We have got three minutes to go and want to squeeze OOATSIA in, and as I said Catherine before, there are a couple of headings that we will send to you, questions on notice including some questions we want about the elected body and also about the sector in relation to industrial relation reform.

**Ms Rule:** Of course.

**Ms Windeyer:** Would I be able to just make a correction just so that I am correct for the record. I did say that the sexual assault prevention and response program was 2001; in fact, it was 2021. It is a completely different detail. Thank you.

**MR WALKER:** Brendan, just remind you that lunch is out there, and it is hot. Provide an update on the treaty process, please.

**Mr Moyle:** So the ACT government, as everyone is aware, has committed to a treaty as part of their last election platform. There were initial conversations happened with UNEC. We are in the process now of actually developing a policy position which we want to come out to broader community in terms of what treaty looks like. We have to acknowledge that in terms of treaty we have to pay our respects particularly to traditional custodians and the land they are on.

We also note as well the size and the density and the dynamics of the Aboriginal and Torres Strait Islander community here in the ACT. We need to have a broader conversation about treaty as well, what that looks like from nation building, how that actually aligns with the commitments under closing the gap and the ACT Aboriginal and Torres Strait Islander agreement.

**MR WALKER:** Thank you. We understand the ACT government has through the healing and reconciliation funding, that some funding has been provided to assist UNEC through employment of a dedicated secretariat as well as remunerating members through sitting fees. Can you provide an update on the ACT government's \$20 million healing and reconciliation fund?

**Mr Moyle:** Absolutely.

**MR WALKER:** But before you go on, can you describe the other—and if there is any other projects involved in that, and what is the criteria for if that is available to the community?

**Mr Moyle:** Absolutely. I might just start in terms of the two primary projects that have been funded so far. \$102,000 was allocated last financial year to support UNEC's functions, but I can take it on notice and provide additional detail in terms of what that \$102,000 actually comprises.

A second project in terms of the restoration of the Ngunnawal language, particularly with the Winanggaay Ngunnawal Language Group has actually been funded. The total value of that is some \$280,000-odd over a two year period, so 191,000 was released last financial year to support that process.

In terms of the broad remit, we need to actually come out and work with the community.



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I look forward to the opportunity to work with the elected body and other key groups as well because no other government has actually committed funding anywhere for healing and reconciliation, but we also know healing and reconciliation is something that needs to be broadly led by community and should inform both the treaty process but also how we as government intersect and work with the community.

So in terms of defining what the revised program guidelines will look like and the mechanism by which that funding can be distributed, we want to come out and make sure we work with yourselves and other stakeholders on. Thank you.

**Ms Wood:** Can I make one clarification? CSD does support the sitting fees for UNIC meetings, but that is not funded from the fund, that CSD funds.

**MR WALKER:** Thank you. Just a couple more questions.

Can you give an update on what your involvement has been in the consultation for the referendum with the ACT and Aboriginal and Torres Strait Islander community?

**Mr Moyle:** Absolutely. So on a personal level, I have been participating in conversations. However though, this is not about my personal activity, this is about our professional activity.

What we have been doing from an OATSIA perspective is working to be able to support the conversations that are actually out there, whether it be through providing support, enabling and helping enable the Elected Body to be able to go out and have those conversations, right the way as well in terms of supporting the Reconciliation Council to have those conversations.

The government's official position is that we are impartial, and we are supporting organisations to actually have—so all entities and groups have those kitchen cabinet conversations, particularly based around the facts of what the Voice actually is so that people can make an informed decision.

**MR WALKER:** Thank you. And the last one is, what is your strategies to support our community after the referendum, regardless of the outcome?

**Mr Moyle:** Absolutely, that is conversations we are actually having now, it is the preliminary context in terms of the Reconciliation Council. And again, I look forward to actually coming out and getting myself onto the agenda with the Elected Body.

We do note that there are some worrying trends in terms of the polling. Almost daily there is news from both sides—both camps out there. But if the referendum gets up, we are going to need to actually launch quite significant community consultation in terms of what that looks like here in the ACT. If it does not get up, we are also need to actually start to have conversations about reconciliation and what that actually means. We know there is a lot of racial vectorial, not just within this community but nationally.

We know that there is a lot of Aboriginal and Torres Strait Islander people who have been hurting through this process because of some of the comments that are made. I have heard through very good authority that there has been elders that have been

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abused, their cars damaged, a whole range of things. So I think we have an obligation in terms of how we work with community to look at that healing and reconciliation process moving forward.

**MR WALKER:** One of the conversations that have been taking places around support for Aboriginal and Torres Strait Islander people within the agencies as well in relation to people—non-Aboriginal people approaching Aboriginal people, particularly if they have views of racism or racial connotations in their conversation and also obviously if they are voting no for the process. So there is a lot of obviously issues around emotional—social and emotional wellbeing kind of issues in relation to that. So hopefully, through this CSD, there will be support for staff in relation to that as well, Brendan.

**Ms Rule:** And I would expect—if there are scenarios where staff are—you know, these conversations need to be respectful regardless of what your position is, yes or no. And I would expect that in the workplace those discussions, where they happen, are happening with respect. And on basis, if any member of my staff is not treating their fellow staff members with respect, I want to know about it. And we will deal with it. Because that is not the workplace that I want to build.

People need to be able to have respectful conversations about difficult issues. But there is no place for racism, vectorial arguments about who is wrong or right, that are not respectful.

**MS CHIVERS:** Thank you.

**MR WALKER:** Thank you, Catherine.

One more question from me. Brendan, the OATSI unit, how many staff members are in there? What percentage of those are Aboriginal? And are there any identified positions in the unit?

**Mr Moyle:** Absolutely. So we currently run at—we have got an FTE allocation of about 17 staff in total. We are currently running at about 14 staff. All bar two, identify as being Aboriginal and Torres Strait Islander. But we are in line with, I guess, CSDs commitment, particularly strengthening connections to community and particularly testing how we actually recruit staff having that cultural capability and cultural competence.

**MR WALKER:** Thank you.

I will just check with my mob if they have any more questions.

Catherine, thank you, you and your staff, for coming along to join us on this—yes, we are going to send that to them. So thank you very much to all the staff who have participated today, and we will see you again soon.

**Hearing suspended from 12.36 pm to 1.00 pm.**

Appearances:

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Transport Canberra and City Services Directorate

Playford, Ms Alison, Director-General, Transport Canberra and City Services

Corrigan, Mr Jim, Deputy Director-General, City Services

Clement, Ms Sophie, Acting Executive Branch Manager, Infrastructure Delivery

Iglesias, Mr Daniel, Executive Branch Manager, City Presentation

McHugh, Mr Ben, Deputy Director-General, Transport Canberra and Business Services

McGlenn, Mr Ian, Executive Branch Manager, Bus Operations

Haraldson, Mr Anthony, Executive Branch Manager, Light Rail

McMurray, Mr Kerry, Chief Executive Officer, Canberra Memorial Parks

Hughes, Ms Cherie, Chief Operating Officer, Office of the Chief Projects Officer

Doran, Ms Karen, Acting Chief Projects officer, Office of the Chief Projects Officer

**THE CHAIR:** My name is Tanya Keed, and I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all members of the elected body and would like to introduce them now. Paula McGrady, Deputy Chair, with portfolios with Transport Canberra and City Services, ACT Health and our representative on the Coalition of Peaks. Maurice Walker, Member, with education and community services portfolios. Jo Chivers, Member, with justice and community services portfolios. Deanne Booth, Member, with Major Projects Canberra portfolio.

We would like to thank TCCS for the partnership with the elected body and working to improve ...(indistinct)... [13.02.03] and their continuing commitment to working in partnership with the elected body. Please could all witnesses that give evidence during the hearings acknowledge the witness statement for the record. I would like to invite Director-General Alison Playford for any opening statement before commencement of the questions. Please can you limit your introductory comments to two minutes.

**Ms Playford:** Thank you, and I recognise the privilege statement. I would just like to start by acknowledging that we are meeting today on the lands on the Ngunnawal people and acknowledge other people or families who have connection to this land in the ACT.

I recognise the continuing culture, and the contributions to the life of this city, but also recognise the importance to the work that we do in Transport Canberra and City Services, and in particular the work that we do around the maintenance of the urban landscape, noting the important connection to land of the Aboriginal people and the importance of us having partnerships in being able to do the work that we do.

**THE CHAIR:** I will now pass to Paula to continue the questions.

**MS MCGRADY:** Thanks Tanya. So we will start by considering the four priority reforms of the National Agreement, and my questions will be related to those four priority reforms. So priority reform 1, which is partnership and shared decision-making. So how is the directorate working with the community to share decision-making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community?

I have a few dot points. I can go through those dot points one by one, or do you want to answer that first?

**Ms Playford:** I am happy to answer that first, and I guess the way I was going to answer it was in a generic way and then get a couple of areas of the directorate to perhaps showcase where we are starting to improve those partnerships.

**MS MCGRADY:** Yes.

**Ms Playford:** So I think this is an area where, we are very conscious in our discussions with Paula that this is an area where we are still growing in our maturity, and we very much appreciated our relationship with Paula and the elected body in helping to guide us. I think one of the really concrete steps that we have done recently that has been helpful for us is formally appoint a cultural advisor for the directorate, and so we are very lucky to have appointed Jacob Collins to that position.

And Jacob has been just an invaluable source of advice to our leadership in how we can strengthen the partnerships that we have with Aboriginal organisations. We have also lodged recently, through the work of Jacob, a cultural integrity framework which provides a bit of guide around that, and our reconciliation action plan—our third one, which is a stretch, we are finalising with Reconciliation Australia at the moment.

A very key focus of that, and very much the advice of Reconciliation Australia is this is the area where we do need to focus on strengthening what we do. But I might just get a couple of parts of the—we have such a diverse directorate—to showcase some of the things we are doing.

And I might start with actually, cemeteries, and Kerry McMurray, just to talk about some work we have been doing in developing some partnerships and some of the design work in the Southern Memorial Park, and then I might get Anthony Haraldson to talk around some of the partnerships as we have developed our reconciliation action plan, and our infrastructure delivery team to talk around some of the partnerships they have been starting to develop as they roll out our suburban infrastructure program.

So we will try and keep it fairly short for each person, because I am conscious we have got limited time. So, short and sharp.

**MS MCGRADY:** Before you start. You might see us on our phones. There are community observers today and there are forwarding through questions, so that is what we are doing.

**Ms Playford:** Sure. That is fine.

**Mr McMurray:** Thank you. I acknowledge the witness statement. So Southern Memorial Park stage 1, we have been through a process of detailed design for stage 1 and that included consultation by using an engaging Bagariin Ngunnawal Cultural Consulting in consultation with the architect designed, and they conducted a yarning circle in April. The main purpose of the consultation was to insure the new facility meets the needs of Aboriginal and Torres Strait Islander people of Canberra, and that a culturally safe place is provided for them.

The key issue—there was two pieces with it. One was part of the development site was

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identified as culturally significant. It has a scarred tree, and the other part that came out of the yarning circle was the development of four project cultural themes which involved Ngunnawal cultural elements, Ngunnawal cultural practices, Ngunnawal language and Ngunnawal storytelling.

These recommendations and themes are now being incorporated into finalising the design for stage 1 which will be lodged sometime towards September.

**THE CHAIR:** How often do the yarning circles meet?

**Mr McMurray:** That yarning circle was specifically done on Country for that site, and the group that we used to do that, they use that evidently as their preferred means of consultation.

**THE CHAIR:** That is just a one-off?

**Mr McMurray:** Yes. For that one project, yes.

**Mr Haraldson:** I have read and understand the privilege statement. The journey with our next RAP, the stretch RAP, commenced last year. So early in 2022. It has been quite a journey working with Reconciliation Australia, seeking advice from our elected member. The journey we saw as maybe 12 months, and quickly we realised it was going to take a bit longer.

Through the process we have also helped and assisted with CIT in the work that they are doing in providing advice on their next RAP. One thing that we really did notice is that, from Reconciliation Australia, was that meaningful engagement with the Aboriginal community. So you will see in the next RAP, which is currently with them for conditional approval, that you will see a lot more engagement, and meaningful engagement.

So that is the feedback we received. It is not just about statistics or providing small incremental steps. It was actually about how to engage with the community. We engaged with Curijo, as a business, to assist in putting the RAP together. So we formed a working group within TCCS, and we got representatives across the directorate to be part of that, and Curijo undertook a few working group sessions where we could get some workshopping about what are some meaningful actions that we could have across the directorate and what we do.

TCCS is really, I guess, lucky in the work we do. A lot of it is on Country, so making sure that we got out there and saw what could be done on Country as well. So that was one. The other one would be the reconciliation action plan artwork. We went out to the market earlier this year, a couple of months ago, and engaged with Arts ACT and then got an email EOI out to as many people as we could to seek submissions for that artwork.

We have finalised, and we have engaged a local Ngunnawal artist to be part of that. On the evaluation panel we had a Ngunnawal person represented on the panel, Dr Caroline Hughes. We also had an indigenous employee from TCCS. That was a really positive step forward in engaging with the community about what we were looking for with the

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artwork.

So Lenise Church(?)[13.10.03] and her daughter, Lanie Church(?), or Kin Church(?), they have been successful in being the next artwork, and that continues the journey that we are on with them as well.

**MS MCGRADY:** Thank you. So I will read the other dot points and see if they do cover. So how many new formal partnerships has your directorate established since 2020, how are they resourced and what has been achieved, and is information publicly available?

**Ms Playford:** Yes, sorry. And I should have let you do the dot points. So in terms of the total number, we might need to just take that on notice. I am not sure that we have got the exact number. As I said, I was just trying to showcase a few of the examples. We resource them through our business areas, and we have more and more.

You have seen from those two examples so far, we are having more contractual relationships and partnering with Aboriginal organisations through services. We are also thinking about how we do things differently. For example, we have cadetship program in our City Services area, we have a partnership with Pipeline, who are a recruitment company who have been really helpful in a number of our recruitments for a range of positions, both identified positions and non-identified positions.

They have been a great company that has helped us to identify Aboriginal candidates for roles for everything from domestic animal services to the cultural advisor position. But for our cadetship we use them, and they certainly identified people for us. But there has been issues around retention for some of those people, and so we are looking at actually should we, on advice from Jacob, looking to reach out and partner with organisations like Gugan in terms of how we fill the positions that we have identified in our cadetship program, for example.

So we have some plans for some further partnerships that we have not done yet. But all of those things are resourced out of each of their budgets, and we can probably pull out the numbers and take that on notice for you. And I missed the third dot point.

**MS CHIVERS:** Can I just ask, when you do that can you just check the way that partnership is defined in relation to priority area 1, because the examples so far are not actually what partnership is meant by that priority area?

**Ms Playford:** Okay.

**MS CHIVERS:** So if you can just check the definition as per the Closing the Gap agreement and the National Agreement and just make sure that whatever you provide is in relation to how it is defined in that agreement?

**Ms Playford:** Yes.

**MS MCGRADY:** And the difference being partnerships, compared to contracted services as well.

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**Ms Playford:** Yes. And look, the examples we have given have been contracted services, but that has been a way to try to acknowledge the time of those people in partnering with us to provide us with advice around how we proceed. But I do take the distinction.

**MS MCGRADY:** Thank you, Alison. So provide three examples of where you have shared decision-making with the community in line with the ACT Agreement? And the two dot points I have are, how are decisions made formalised and to what level are they funded?

**Ms Playford:** Boomanulla Oval and what we are doing there might be a good example for us to use.

**MS MCGRADY:** We will come to Boomanulla Oval as well, so if there is something different that you want to say in this, in priority reform 1, we will be coming back to Boomanulla in another part of—

**Mr McHugh:** So, Ben McHugh, Deputy Director-General, Transport Canberra and Business Services. I acknowledge the privileges statement. Thanks for the question, Paula, and I think there is probably a number of examples where we, as an organisation who are facilitators of service for the community more broadly, which is slightly different to other government agencies who might be delivering specific services for specific community groups.

A lot of our service delivery is inclusive in its nature. So if I use transport as the example, we are often thinking about how we make transport the most accessible and inclusive service we can deliver. That means we have to go and explore what it means to different people in different places. The example I might use around those particular questions is, there was a request for us to investigate how to provide better service to get kids to preschool, and particularly to the Koori preschools.

We then worked with, through education, with those school communities to understand what their transport needs were. The gold standard would have been a designed service to pick specific kids up and get them to specific places. The unfortunate nature of governments are we have got limited resources, so we worked with those groups to understand what was the next best opportunity we could provide from a transport service to those groups.

And getting the kids from the preschools out to visit sites, out to do excursions and other things was cost-prohibitive in a lot of ways. You know, schools are funding-challenged as much as other services. So we have got in place now an agreement where we provide free-of-charge chartered services to the Koori preschools to get to excursions, to get to other schools, to learn from other things and other places around town.

That is an agreement that I am pretty sure is in writing. I will get confirmation on that, but that was developed through a conversation of understanding what the need was, what our service provision offering was, and how to best bring those things together to get the best outcome.



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**MS MCGRADY:** Thanks, Ben.

**Ms Playford:** Because you asked for a couple of examples?

**MS MCGRADY:** If you have got another one, yes.

**Ms Playford:** Sophie in infrastructure delivery is keen to showcase some of the stuff she has been doing.

**Ms Clement:** Sophie Clement, the Acting Executive Branch Manager for Infrastructure Delivery, and I acknowledge I have read and understand the privilege statement.

**MS MCGRADY:** Thank you.

**Ms Clement:** I think this example fits. It is through a commercial contract; however it did support how we engage with community. So as a delivery agency, infrastructure delivery has been looking at ways of incorporating engagement with the community into some of our business documents to make sure that flows into how delivery projects, and one of the projects in the last two years, which is a series of playground upgrades across six suburbs in Canberra, we trialled using a new consultant that we had not used before.

A local indigenous consultant, Bagariin, and through that service each of the playgrounds had an assessment done on a locale and that suburb area, thinking about thematic themes for that suburb that relate to the indigenous culture, and that consultancy did consult with the local indigenous community to develop themes that were suitable for that suburb and consider some artworks that might be appropriate, or incorporated into the play equipment.

And that was then followed into the design phase, and we will see those constructed over the next 12 months. So that was an opportunity where that consultancy has, I believe it is a new consultancy and they do have a Ngunnawal person who is leading that. So they were able to have those links into community to assist us and do some of that consultation on our behalf to bring ideas, and I guess in a way, decision-making from community about what would be appropriate to feed into those designs.

**MS MCGRADY:** Thank you.

**MR WALKER:** Can I ask what the name of that organisation again?

**Ms Clement:** And I might have said it incorrectly because I flick between the two, but Bagariin, I believe.

**MR WALKER:** And who is the—

**Ms Clement:** I forget his name, but I can find it out of you.

**MR WALKER:** Do you know?

**MS MCGRADY:** Not off the top of my head, sorry. But yes, thank you. So priority

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reform 2, building the ACCO sector. So engagement with ACCOS. How many local, ACT-based ACCOs have you worked with in the last two years? Who are they, and how have you helped existing ACCOs to grow in size or grow scope for services, how are you progressing with transitioning services to Aboriginal Community-Controlled Organisations, and what new community-controlled organisations have been assisted to be established?

**Ms Playford:** Okay. As I said, this is an area where I think we are still developing maturity as a directorate, and we have not had the relationships that certainly, when I was Director-General Justice, I had those very direct relationships with Winnunga and Gugan. So those relationships have not been as direct in this directorate, although we are exploring the possibility of reaching out and seeing where we could have an arrangement with Gugan.

Probably the area that we have been focused on is around Boomanulla Oval, where we probably have not gone as fast as we would have liked in that area. But I might get Daniel to come up and talk about the approach we have had to try and develop capability so that there could be an ACCO in that area at Boomanulla. Or do you want to wait and talk about Boomanulla as a separate?

**MS MCGRADY:** We can bring Boomanulla up later.

**Ms Playford:** Later?

**MS MCGRADY:** Thank you. Yes. So, the indigenous procurement policy. What is the number and value of contracts that you have that support the IPP?

**Ms Playford:** Great. So Cherie Hughes, our chief operating officer, has come prepared with that set of statistics or us.

**Ms Hughes:** I have. Thank you. Cherie Hughes, Chief Operating Officer for TCCS and I acknowledge the privilege statement. Thank you for the question, Paula. So we are finalising the figures for the financial year that has just ended. So it is between \$1.7 million and \$2.5 million. So we are just getting confirmation that we have got them categorised properly before we finish. Which is about 1 per cent of our addressed spend for the directorate.

Probably of note, one of the largest contractors actually with Lack Group Construction, which is a million dollar contract. So that constitutes about 60 per cent of that spend. So they have been engaged to traffic management for the directorate, temporary traffic management. Other providers that we have, Corroboree Empire, who have been engaged to do cleaning for the directorate, and that is a \$307,000.

We have got a number of providers who have been helping us in the people and capability and HR Space. So organisations such as Curijo, Pipeline, First Grade Group have been in that space. So there is 25 companies, I guess I should have led with that. 25 companies in total, but two quite significant ones, and the other ones tend to be quite smaller in size. And obviously the policy ACT government has in regard to Aboriginal and Torres Strait Islander procurement helps in that space.

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So we can go directly to them and really engage them for particularly those smaller value contracts, under \$200,000.

**MS MCGRADY:** Thank you, Cherie.

**Ms Playford:** I might just add that in our capital works and infrastructure delivery we often have contracts with large providers who also then have an obligation in the contracts that we have with them in relation to Aboriginal employment and various KPIs that we set for them in those contracts, and that is a very large part of our spend, because we are agency that delivers a lot of capital works.

We have got 262 projects on hand at the moment, so that has been something we have been sort of focused on, those contracts.

**MS MCGRADY:** So what are the requirements within contracts for grants that require specific outcomes for Aboriginal and Torres Strait Islander people and how do you monitor compliance to those contracts?

**Ms Playford:** We have reporting on all our contracts where there are provisions like that as to how they are being met. We monitor them, we try to make sure that they are being met.

**Ms Hughes:** Yes. So there is not a standard thing that goes into all of the contracts that the directorate would have. So there would be tailored of the different contractors and the consultancies that we are engaging. The contractor is absolutely responsible for making sure that if there terms and conditions that need to be meeting, they need to managing those for the life of the contract. But there is not one specific clause or outcome that we put across the board. They tend to be quite unique.

**MS MCGRADY:** So what other specific requirements that non-Aboriginal and Torres Strait Islander must have to, and I have got a couple of dot points: guarantee services access to the community, Aboriginal and Torres Strait Islander staff within the organisation, representation on the board, and how they procure services? I think you might have covered—

**Ms Playford:** Jim, did you want to add to that?

**Mr Corrigan:** Jim Corrigan, Deputy Director-General, City Services. Also, the previous point as well. The traineeship program that Alison touched on, the cadetship. It is cadetship-trainee. We have got to call it a traineeship program, because cadetship actually means something different under our EBAs. Anyway. We engaged Onpoint to help with that.

Now, the origins of the traineeship program is, in city services, particularly our field workforce, the guys in the orange high-vis, 26 per cent of us are 55 or older. So we have quite an aging workforce. So the traineeship program is designed to start bringing in our young people, particularly school leavers.

So this was the first year. It was a pilot year, this year, the first one that kicked off. So we had six positions and two were identified. We asked Onpoint to assist us, and they

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assisted us, and they identified seven people for the two positions. Unfortunately, Alison touched on, one dropped out right at the start. Another opportunity came up, had to relocate. The other person did not quite work out.

But the point being is that we are trying to do that. Now, over time we would like to build that traineeship up. It is funded by vacant positions within the city presentation workforce, which is a pretty big workforce, and people come and go. That is how we make the positions available, so that is how we are funding it.

But the reason I raise that is that the engagement through Jacob, with maybe talk to Gugan and see if they can assist there, because we would like to grow the number of identified positions. Because these people—it is an 18 month traineeship program, they will learn a bunch of skills, they will be able to hopefully stay in the workforce. It is all out in the field, doing things, caring for all of the places we look after and are mowing.

So a whole bunch of skills they will learn. First pilot unfortunately has had limited success, but we want to build that. So in terms of engaging, whether it is Gugan or others, that is something we will look at. We will probably keeping talking to about that, about how best and who best to engage with is, because this is potentially a really good thing across the board, and particularly getting more younger people into our workforce that is aging.

**MS MCGRADY:** Yes, thank you.

**MR WALKER:** Can I, Alison? The question also points to the company that you engage in your contracts. So the question says, basically, talking about how do you guarantee services directed at our community, and you put in those specific requirements in place around, “If we are going to negotiate a contract with you, an agreement with you, we want you to employ a certain amount of Aboriginal people, or contract a number of services.” So that is the kind of statistics that we are looking for with that question.

**Ms Playford:** Yes. So we have a lot of contracts, right across the directorate. So we can probably get back to you with some more specific examples. But for example, things like our major infrastructure, like the Molonglo Bridge contract for example, that will have it in particular KPIs in the areas like Aboriginal employment, and we will be monitoring those as we go through—the number of apprenticeships that they have.

Our Monaro Highway one also has those sorts of clauses. We have been very much trying to pick some of our bigger, really, because we have some very big dollar contracts, and we have got a couple out in the market at the moment. So the big one we have got out at the market at the moment is household waste. Which is basically the picking up bins services.

And our previous contract was a 10 year old contract. We are looking, it is going to be a long-term contract and we have worked very hard to think about how we can actually get some better KPIs, how we can require those companies to have a reconciliation action plan and put various provisions. But as Cherie said, I do not think we have moved to maturity level where we have standard clauses in all of those contracts. Do you want to add to that?

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**Ms Hughes:** The other thing that I was going to add to, I think, Paula, you mentioned boards as well. So TCCS have a number of boards. We have got the veterinary practitioners board, we have got the cemeteries boards, so those two boards in particular are always looking to have diversity on those boards. And we go out, and use the diversity register, but also contact through the Office of Aboriginal and Torres Strait Islander Affairs when we are doing that recruitment.

So we do, as you would be aware we have one identified member on the cemeteries board, but we also have one on the veterinary practitioners board as well, who is the community member.

**Ms Playford:** And we are looking for that for the—it is hard to get people for our trees advisory board, so we will be talking to you about who might—and that seems to me like the sort of board that would be of significant interest and significant value to us in the knowledge that someone could bring. So that is one we will be looking, in the future.

**MR WALKER:** How do you monitor the compliance with those contracts?

**Ms Playford:** We require those companies, particularly in those big infrastructure contracts, they provide us monthly reports. We have contract managers who are insuring compliance, and we are raising those issues with the project managers on the ground as we go through those contracts.

**MR WALKER:** Thank you.

**Ms Playford:** I certainly also, I guess, in my role sit on the board for a number of the major projects. I know you have got Major Projects Canberra later today, but we certainly discuss at each of the board meetings. We get a formal report around the company's performance against all of its different areas, which includes that information to us on how they are performing against those key stats.

So for example, the light rail, the hospital, the CIT contracts, and so we actively discuss what we can do to encourage those companies to improve, if necessary, how they performing in those areas.

**MS MCGRADY:** Thank you. You may have already answered this question, but I will read it out for the record. So how are you engaging with Aboriginal and Torres Strait Islander businesses? How many contracts have you entered into with Aboriginal and Torres Strait Islander business?

**Ms Hughes:** I did not bring the number of actual contracts.

**MS MCGRADY:** Can you take it on notice?

**Ms Hughes:** So I will have to take that on notice, yes.

**MS MCGRADY:** Thank you. As a percentage of spending, how much is spent with Aboriginal businesses, breakdown by products and services?

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**Ms Hughes:** So that is probably the answer that I did at the beginning, so that is the 1.7 to 2.5 million, to be confirmed exactly, then we do our final statements, and 25 different companies.

**MS MCGRADY:** Thank you.

**Ms Playford:** And probably the big areas are the traffic management, the cleaning contract and the contracts that we have through our City Services program.

**MS MCGRADY:** Thank you. So, priority reform 3, transforming government organisations, and the ACT Agreement. So how is your directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Ms Playford:** Okay, so we have a number of specific actions under the agreement that we are responsible for, but I say at a much more generic level what we have been trying to do as an executive team is improve our own understanding about the deficiencies in the services and so, as I said at the start, probably the smartest thing that we did was actually create that cultural advisor position.

Jacob has done some fantastic work strengthening the peer-to-peer network that we have throughout the directorate which is trying to provide a safe space for our Aboriginal staff who are involved in particular services, whether they be bus services, city services, domestic animals, libraries, whatever, actually have conversations around where our services do have elements potentially of systemic bias, where they could be improved, and so trying to create a safe space where our staff can help us.

We have also—I guess we are trying to strengthen our executive cohort through our own cultural learning practices and we are looking at, for example, putting aside some places for a CIT course for some executives around improving cultural safety in their workplaces, et cetera, because we think that you have to provide—like you have got to get the fundamentals right around understanding cultural integrity and what makes a place a culturally safe place so that we really can understand within our own organisation, and then that for me will inform the services that we are providing for our clients.

We have a number of specific services, you know, the community bus is a good example, libraries run a whole range of services, but actually unless our staff and our leadership teams can really understand, we can kind of blindly deliver those services without actually understanding are we doing that well, and so I think that probably what I am trying to do is actually improve I guess the cultural competency maybe of our executive leadership team but also the team below that. We are planning to do some surveying of our managers around what their current cultural competence is and then we are going to use that as a baseline and keep doing that each year.

That again is some great advice we have got from Jacob about how we can actually practically get some data, because we have been struggling to really frame, you know, what does success look like, and we have been having a lot of conversations, and one of our reconciliation action plan and the advice that we need to, you know, better look at how we partner and those sorts of things. That has sort of been the core thing we have been focussed on, is the internal. I do not know if anyone wants to add to that in terms

of some of the other bits we are doing.

**Mr Corrigan:** I might—Daniel. Since last time we met, we have developed a cultural sensitive guideline for our City Presentation staff. Do you know it might, I do not think we developed that since the last time we met because it is through the COVID years. It might be worthwhile we—it has been quite useful. Daniel, do you want to help explain that, because it is something Jacob Keed, he initiated and kicked off to help our City Presentation staff in their day-to-day work about recognising culturally sensitive areas in the day-to-day work. It is had—it is getting inroads, it is helping the way the team think so that, you know, it is—

**MS MCGRADY:** Thank you.

**Mr Iglesias:** Good afternoon everyone. I will acknowledge the privilege statement. Daniel Iglesias, Executive Branch Manager for City Presentation. So, we sent a staff member to Garma this year and we sent her up with a specific task in mind. That is we want ideas about how we can better understand what we can do in our everyday work to promote culture. Last year Jacob Keed, the other Jacob in our team, did some work with the Traditional Custodians.

**THE CHAIR:** Why send them to Garma when it is right here?

**Mr Iglesias:** I beg your pardon?

**THE CHAIR:** Why send them to Garma when you can get that here?

**Mr Iglesias:** Well, lots of different things. So, Garma is one option but the engagement with the traditional groups, Traditional Owners are the locals. We did that last year where we actually invited them in and we said, what do you want to see, right, what do you want to see in the day-to-day work that we do. And we got some really good feedback around signage, around opportunities for the young people to give advice to us about how we look after certain parts, which are of cultural significance.

We also got some ideas around how we ask the community to get involved and we heard that it is no good just putting stuff out on the radio or in the paper, you have got to connect with our networks and you have got to speak to us. And so that sort of grass root engagement is I think something that we are looking to improve on and to feel as if being culturally safe is just as important as being traditionally workplace health and safety safe. Same thing.

**MS MCGRADY:** Thank you. Thanks, Daniel. Thank you. So how do you work with other directorates?

**Ms Playford:** In this area particularly?

**MS MCGRADY:** Yes.

**Ms Playford:** So, we try to partner where we can, and so one thing that we have been trying to do recently, which I am hopeful we will have positive outcomes for Aboriginal and Torres Strait Islander people because of the over representation of Aboriginal and



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Torres Strait Islander people in the justice system, is we have signed a form of MOU with Corrections around how we can work with them in terms of again, one of the things our directorate has is lots of different sorts of jobs because of our diversity.

So we are trying to do work placements, particularly with Community Corrections team and also with the Throughcare team and ensuring that our supervisors get appropriate training, et cetera, so we can make that successful. So that is one of the—I guess we are trying to make a contribution in terms of some of the outcomes in the Justice area.

Ben has already referred to where we have been trying to partner with Education Directorate specifically with the individual preschools around how we can provide services to assist those kids get I guess greater knowledge and get to do excursions to places of cultural significance, et cetera. That is probably another example of what we are trying to do.

**MS MCGRADY:** That was in relation to, you know, our ACT Agreement which feeds into the national agreement, Closing the Gap.

**Ms Playford:** Yeah, no, that—yeah, and then the other one is libraries. So that is another area where we have particular actions, and I might just get Shane to come and talk about that. We have got particular actions under the ACT Aboriginal and Torres Strait Islander Agreement, which obviously feeds into the Closing the Gap, and I must say our reconciliation action plan, we have tried to sort of align all of our actions so we are not doing a thousand million different actions, we are trying to focus on those, but, yes, the way we deliver our library service is probably another example.

**MS MCGRADY:** I have got a question with regard to libraries. That is coming up later but I will ask it now while you are at the table—

**Ms Playford:** You may as well ask it now. Yes.

**MS MCGRADY:** —and you can just segue into. In previous years libraries presented on the Storytime and other related programs. How are libraries working to support literacy in high school and anything else that you want to add? Thank you.

**Mr Cummings:** Thank you. Yuma, good afternoon, and I accept the privilege statement. I am Shane Cummings, Senior Director for Libraries ACT. So maybe just to talk about the cultural competency that before. So with Libraries we are very culturally aware as far as developing our programs and services. We have a full time Aboriginal coordinator who informs all of our events and our programs to make sure that we do have that very clear emphasis on delivering appropriate services to Aboriginal and Torres Strait Islanders.

We also just recently completed cultural competency training for all of our frontline staff, so are very much aware of that as well, and that was across all ten of our library branches including the ACT Heritage Library as well. As far as the actual programs that you mentioned, so Brian works—Brian, I should say is our Aboriginal coordinator, he works as part of our outreach and programming team, and so everything that we do, including, as you mentioned, specific Storytimes will have that element too. And maybe if I could just go through a couple of examples, if that might be okay, as far as recent

activities that we have been doing?

**MS MCGRADY:** Yes.

**Mr Cummings:** So, at the Heritage Library we, as part of the ACT Heritage Festival, undertook Ngunnawal language classes, so we have three sessions over the April period of that festival. Each session was very popular and over booked, so we delivered that to 84 people, even though we tried to squeeze them in. We also had a very successful partnership with Vinnies and the ACT not-for-profit sector in NAIDOC week to deliver an event for the whole community out of Woden Library. That was very successful, perhaps some of you came to that one. We had about 300 people attend that one and we had many interesting and engaging program activities plus stalls out the front as well, so that was very well received by the community.

I should say, let us see, there is one other thing I wanted to mention—yes, we have also partnered with a contractor admittedly, not a partner, Coolamon Advisors, and they were delivering the BADJI Program across our service, all our libraries. That was drop-in sessions at the libraries to talk to Aboriginal and Torres Strait Islander community members about accessing advice and services to start a business.

**MS MCGRADY:** Thank you. Thanks very much.

**Mr Cummings:** Thank you.

**Mr McHugh:** Paula, I might just add to the question, that had a specific reference to high school literacy.

**MS MCGRADY:** Yes.

**Mr McHugh:** The libraries really are a lifelong learning institution as part of our community. They have a much bigger impact with early childhood and younger children, but also with our older members of the community, so with people who are starting to re-engage with their libraries later in life. We do not have a lot of specific direct engagement given that lots of high schools will have their own library services and library functions.

So, our focus in libraries tends to be at the bookends of the community rather than in the middle of that education journey, but introducing things like language at those early ages is critical from our perspective in giving people enough knowledge and interest to latch onto that and take it with them through their learning journey through life. Now we are finding, as things change, a lot of people who are only discovering the real history are coming back to libraries as a source of truth of real information, including local information about local Aboriginal culture.

**MS MCGRADY:** That is really good information to know. Stock those libraries up with that truth telling information.

**Mr McHugh:** Yes. Absolutely. That is a focus for us.

**MS MCGRADY:** Thank you.

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**Mr Cummings:** There is perhaps one other thing to add to Ben's comment. We are collocated in three of our locations with high schools, so we do have a lot of students who are aware of our programming, but perhaps just talk about the actual collections in the library. We have 3,331 items written by Aboriginal and Torres Strait Islander authors or have significant Aboriginal and Torres Strait Islander content. Just in the last 12 months we have ordered 607 new items in that category, including 241 new DVDs on Indigenous topics, and we are going through a process as part of one of our reconciliation action plan items to identify those so that it is very clear and obvious that it is a collection material of cultural significance and we put an Aboriginal flag on the spine or on the DVD case to identify those materials.

**MS MCGRADY:** Thank you. Thank you very much. So the next topic is under priority reform 3, systemic racism. What have you done to review your legislation policies and processes to identify and remove systemic racism? Three dot points, if you want me to come back to them, I am happy to make—

**Ms Playford:** No, do the dot points.

**MS MCGRADY:** What has the directorate implemented to address systemic racism; what legislation has been reviewed and amended; and what policies have been reviewed and amended?

**Ms Playford:** Okay, and I am going to get Petra Crowe from our People and Capability to come, but to start with I might just again, at that really high level, I think again for us, having a cultural advisor, improving cultural safety within each of our workplaces, and improving the cultural competency of our leadership team in particular, but all of our staff, is at a very generic level part of how we raise that awareness, but I will hand over to Petra to specifically answer some of the question.

**Ms Crowe:** Yuma. Petra Crowe, Executive Branch Manager, People and Capability, and I acknowledge the privilege statement.

**MS MCGRADY:** Thank you.

**Ms Crowe:** So being responsible for our people internally in TCCS, we have a range of programs that we deliver to raise awareness and educate our staff around what is acceptable behaviour. We definitely take a zero tolerance approach for any instances that are reported through to our team. They are assessed, investigated and we have separated a number of employees over the past years as a result of displaying behaviour that does not align with our values.

We have now, as Alison and others have mentioned the cultural integrity framework, which is about further investment in creating a safe workplace for our Aboriginal and Torres Strait Islander staff. We have an anonymous reporting tool that we launched a few years ago, because we recognise that people are fearful of putting their name on a complaint form. That anonymous form, whilst we perhaps have not had as many reports as we would have expected, what it does provide us is a tool to know where an individual has witnessed racist behaviour against a staff member, whether they have witnessed it from a member of the public towards a staff member, whether they have

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witnessed it or if they have been on the receiving end of it, and whilst we do not have names per se, it does allow us to understand what is happening across our organisation.

In March this year we participated in the ACT government's survey, we had around 900 plus employees in total respond. Of that total response that we received around six per cent of those people, so that is just over 50-odd staff members, told us that racism is occurring in our organisation. That information now will lead us to review our policies, our programs, explore opportunities to embed new practice. As again has been mentioned already, we will have a survey, a cultural competency survey, which will be delivered later this year by an Indigenous provider, and that will be delivered to our middle management and up to the senior executive so we can actually understand what is their competency and are they standing up and being active bystanders and supporting individuals when they witness these sorts of things happen.

**MS MCGRADY:** Thank you.

**Ms Playford:** The other element, obviously, for systemic racism is how the services that we deliver may inherently be racist and we, you know, do not necessarily understand that. Again, I think in terms of—like improving our cultural competency will help us think about, well, the transport services, do we need to do anything. Ben might talk a little bit about that service delivery aspect of systemic racism and how we are trying to better identify where it does exist in the services that we deliver, but it is right across our organisation and there are so many—it is very individual, you know, what is in issue—might be an issue in cemeteries in the way we deliver a service is very different to say in the bus context. Do you want to talk a little bit more about that?

**Mr McHugh:** Yeah, absolutely. So, the unfortunate situation is that systemic racism is a legacy that this country has inherited over time and it is sometimes unconscious and sometimes less unconscious. I guess the way that we are approaching it is through the quantitative analysis of all of the things we do. Every time we now pick up and refresh a policy, refresh a process, a most recent example is in the recruitment space, how do we test that the language we use in trying to attract the right people to our organisation is not in some way, perceived or real, to be offensive to someone. You know, and a lot of the things we do we have been doing for a long time and we may not have recognised that there is some element in there that could be considered racist.

The stuff that Petra has just talked about is looking at our people and how we train our people to recognise that, to understand what systemic racism is in the first place before you can then address it. So that is a big part of our cultural maturity journey and we are, again, only in the early parts of that journey as an organisation, we still have a long way to go, but I think we have moved from not understand what it is to understanding what it is to doing something about it. I think we are in that phase at the moment and that is every time, I said, we would pick up a new communication or something we are about to talk to the community about, reading that through that lens of what are we saying, what language are we using and how can that be perceived by others. Again, Jacob has opened a lot of our eyes to what that—like the nuance of language and the effect that that can have.

So, we—you know, a lot of our services, we are the facilitators of, so our bus drivers, as an example, move people around the city on a daily basis. They jump on the bus,

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they all communicate with each other, you know, and everyone brings their own individual personality onto that bus, and some of them may be happy to sit there and read a book and get and others may, you know, behave in other ways that are not as acceptable. What can we do about that?

Well we can train our drivers to understand what behaviours by some of our customers might be seen as prolonging systemic racism in our community. We train them how to call that out, how to communicate that to us so that we can do something about it.

And I think that is, you know, so every one of those bus drivers going through a training program gets trained on what systemic racism looks like in their workplace. That could be something that we can address.

So that is the qualitative outcome of, you know, the technical training and all those bits that we all report on and the numbers you will all get. But what is it actually doing? And what does it mean for the community and how effective is it? And I think that is where we are starting to learn. We are learning through conversation. You know, safety in the places we manage. We manage the public realm. You know, how do we make sure that the way we present information on signage, on artwork on buildings, how do we use that to provide a feeling of safety and inclusiveness for, I guess, local indigenous people in this context, but everyone generally I guess is where we are heading.

**MS MCGRADY:** TCCS is very deceptively broad—

**Ms Playford:** Yes.

**MS MCGRADY:** And I think it is good to give these examples so that community are aware of all the pockets of what TCCS is involved in so that if they have future input then they know where to go.

**Ms Playford:** Yes. And I was just going to give an example of a specific policy that we have recently updated.

**MS MCGRADY:** Thank you.

**Ms Playford:** Because Ben reminded me, the recruitment policy, and one of the things—there is a piece of work that George from our light rail team did for us around inclusiveness generally. And as part of that there was the question of, we asked people, do they want to identify as Aboriginal and Torres Strait Islander? And I guess the question was put to us as, why do we do that? What are we going to do?

And so we have now updated our recruitment policy so that our recruitment teams know that well if someone actually does bother to identify as Aboriginal or what are you proactively going to do? Are you going to tell them about our network? Are you going to make sure the manager facilitates them attending meetings at the network? Are you going to tell me around the work that we are doing and how we want to promote a culturally safe place and provide them with copies of our relevant policies, et cetera?

So there is a sort of proactive onus on the recruitment teams now that we have written into the recruitment policy in terms of steps to follow that if someone does this, well

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then you do not just say, “So what. Thanks”, that is useful for us because it makes our stats look good. You actually do something with the information. You tell them about the fact that we have got a cultural advisor who they can go to if they think that there are issues that they want to raise—

**MR WALKER:** Is that Jacob?

**Ms Playford:** —we tell them about the anonymous—the anomalous—yes, that is Jacob. We tell them about the anonymous feedback, so that we actually give them information that hopefully makes, I guess, their employment with us a better experience. So I guess that is a concrete example of where we have recently changed a policy in the last couple of months.

**MS MCGRADY:** Thanks, Alison. Thank you.

So racism, how has TCCS supported Aboriginal and Torres Strait Islander employees across the ACT public service to reduce experiences, and you may have answered some of this, of racism and discrimination for Aboriginal and Torres Strait Islander people within government systems by 80 per cent by 2028?

**Ms Playford:** So I think we have touched on some of what we are trying to do. And I think one that we can probably elaborate on a little bit more is that trying to create safe spaces. And so we have been quite active and again, there was sort of lots of ideas of we could put a lot of artwork up various places. And we had a much-needed conversation in the last year or two about the, well why do we do that?

And part of the why we do that, and we are building now, putting artwork into our designs. You know, when we upgraded the Woden Library, we put some great stuff on them. So we are trying to make places, where we provide services, much more inviting. But we are actually now doing it, thinking about the, why we are doing it, rather than, “That is a good thing to do and that would be a good tick off the box”. So again it is hard to measure the success of some of those things. But we are much more systemic in the way we approach that now.

We have an acknowledgment to country on the side of all our of vehicles, we are using a lot more artwork in the wraps on our vehicles, not just—we just do not have one bus and think well that has changed the world. We put that amount—a lot of different things.

And, you know, there is some benefits of engaging the artist. But actually those local shops, et cetera, we are hopeful that it will make Aboriginal people feel that those places are safer for them. And the libraries have a lot of material around them that tries to make it welcoming for Aboriginal and Torres Strait Islander people. So it is sort of trying to get the why and—I guess that is one of the things we are trying to do in terms of systemic racism.

**MS MCGRADY:** Thanks, Alison.

And I know we had a percentage around systemic racism, but in regards to racism, how many incidences of racism are generally reported within the directorate each year? How are they reported? How does the directorate address incidences of racism? And how are

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they prevented in future?

**Ms Playford:** Yes. So I will get Petra to talk to the stats—

**MS MCGRADY:** Sorry Petra, I should have—

**Ms Crowe:** That is okay, Paula.

So in the last two years we have not had any specific reports of racism on its own. What we have experienced is reports of bullying and harassment. And when those matters are investigated and unpicked, there will be racial undertones as well as other inappropriate behaviour that is discovered through those processes.

Matters are reported in a range of ways. They may be reported through a formal risk man, workers comp, telephone calls straight through to the HR area, or perhaps through the internal areas where people have confidence and support networks. We also have a number of RED officers, who may receive those reports.

Certainly now that Jake is on board, I am very conscious of cultural load. So I do my very best because Jake and I work together to protect him from a lot of that cultural load. But with the network that he has reinvigorated, that provides a safe space now, a new safe space for people to report in that environment. And that network meets six times a year in accordance with the early winter, deep winter, so the six seasons. And in late summer this year its focus will be on discrimination and racism in the workplace.

**MS MCGRADY:** Thank you.

**Ms Crowe:** So there are all those different vehicles. People also have an opportunity to report directly to the union, and that has occurred on occasion, as well as to the Chief Minister and Treasury directorate should they need to.

Have I missed any other—

**Ms Playford:** The how do we deal with it?

**Ms Crowe:** How we deal with it? So we undertake a preliminary assessment to gather basic information to determine whether or not it requires a formal investigation. We talk to the employee and ask them what supports they require, perhaps it is a referral to EAP or other better support services that they may need. But that is them also getting a mentor to support them while it is undertaken.

On some occasions we might need to transfer people into other work locations. And that is not necessarily the employee who might have put the complaint forward, it may be the person that the complaint is about, unless the employee wishes to move and then we will facilitate that for them.

We acknowledge that investigation processes are harmful in themselves. They take a long time. So it is important that we maintain contact with all parties. And that is an area that we do need to continue to invest improvement in.



**MS MCGRADY:** Thank you. Thanks very much.

**Ms Playford:** Yes, I think so.

**Ms Crowe:** Yes, I will come back if you want me to.

**MS MCGRADY:** So how does the ACT government train and assure the cultural competency of ACT government employees?

**Ms Playford:** I probably feel like I am repeating myself along there—

**MS MCGRADY:** Yes, I think you are.

**Ms Playford:** —I do feel that the big breakthrough for us—it has been great—

**MS MCGRADY:** Yes.

**Ms Playford:** —having a cultural advisor and partnering with other directorates. I participate in the Sub-Committee of Strategic Board, and we discuss these issues as well. And that provides a good forum for conversation around who we can better address those things.

**MS MCGRADY:** Yes. So is the content designed and delivered by local Aboriginal and Torres Strait Islander people or organisations?

**Ms Playford:** So again, Petra can talk to our formal learning and development programs—

**MS MCGRADY:** Yes.

**Ms Playford:** —that we have and what we have rolled out—

**Ms Crowe:** Yes.

**Ms Playford:** —and the number of participants, et cetera.

**Ms Crowe:** Yes, so we do provide a range of training. So we have cultural awareness program—

**MS MCGRADY:** Yes.

**Ms Crowe:** That program is mandated for our middle level and above to complete. And around 65 per cent of our staff have completed that since we have had that in place. That particular training is one that we are not reviewing, undertaking a review of. And we will engage with Aboriginal and Torres Strait Islander bodies, internal employees, to look at what have we been delivering? How have we developed our knowledge and what is the next step in our journey of delivering cultural awareness training?

We have an on-country tour which is delivered by the local Ngunnawal person and very well received by staff, so they get to learn about all the flora and fauna and local

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Ngunnawal knowledge through that. We promote the SBS series which is a learning program that is also available.

**MS MCGRADY:** So I have got a specific question while you are there around cultural awareness. So in 21-22 annual report you declare that there were six cultural awareness training sessions and they were held during 21-22 with 63 participants taking part. So that seems to be a very small proportion of the TCCS employees. What is happening to expand participation on that program?

**Ms Crowe:** So this financial year we also delivered six programs across the year, and each program can take up to 15 to 20 participants per. One of the things the learning and development team have recognised is when we put on a program and we market it through the normal process, and someone registers and then comes along to the headquarters' body to a classroom, we are not actually getting maximum benefit from doing it that way.

So one of the things they are looking at pursuing is going out into the operational areas, into the depots and working with the workforce that is on-site. We have done that for our respect, equity and diversity training and we are maximising the uptake and then we are able to tailor it to the context of that workplace, again recognising we are highly diverse, and so that is one of the things we will explore as part of our review with the cultural awareness program.

**Ms Playford:** And we also of course all our new staff we try to get to go induction training and there is a component of the curriculum around the induction program that talks to people around what we do in this area.

**Mr McHugh:** Yes, I think it is worth acknowledging that we are a large organisation but the bulk of those staff work out in the field and on the ground, and particularly almost half of them drive buses for a living, so to engage them and take them offline and then get them trained up, so we try to capture them all at once on the way in the door and then give them some reminder training on particular items along the way, but it is a bit of a different workplace compared to others where you can get a bunch of office workers in a room together at any particular time and get them to go through training. But there is a commitment there to get it right back through the—

**MS MCGRADY:** Thanks Ben. So workforce. So we understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as a part of improving services to the community. There continues to be concerns raised across the community that some staff are not recognised, accepted or connected to our local community. I do have dot points to go through.

How do you ensure these people meet the definition of being an Aboriginal and Torres Strait Islander person? How do you make sure that they have the lived experience, connection with the community that is critical to their ability to engage with and deliver outcomes to the Aboriginal and Torres Strait Islander community? How do you track compliance with the process? How have these roles and their responsibilities been communicated to the community? How do you ensure that the advice that they give is culturally appropriate? When designing roles, what are the requirements for specifying and identified or special measures' roles?

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Two more points: how many Aboriginal and Torres Strait Islander People are working on projects or programs that are not specifically for Aboriginal and Torres Strait Islander community? On recruitment panels, has there been an Aboriginal and Torres Strait Islander person independent of government been a part of the panel to help with this assessment?

**Ms Crowe:** There is a lot to unpack there.

**MS MCGRADY:** I know; I am so sorry.

**Ms Crowe:** But what I might start with is the senior role that we undertook to engage our cultural adviser which is a SOG B level, the first of its kind in the ACT government. I will just get that little plug in. We did not write the position. We went and engaged Pipeline, which is 100 per cent Indigenous local owned business, and through their assistance they engage with community with internal employees, spoke with the executive to craft that position.

Once that was crafted, we went and engaged with them further again to recruit to that role. Had we tried to recruit that through traditional methods, there is absolute no way we would have received the wonderful talent that we did, and they made the assessment through the recruitment process around Aboriginality for that particular role.

In terms of other roles that we recruit too that are identified, we have 19 positions across the organisation that are identified positions. We do always ensure that there is an Aboriginal and Torres Strait Islander person on the panel who has undertaken our recruitment training. We do not, however, necessarily always ensure it is an independent external person to our organisation.

I am unaware of any policy in the ACT government around requiring demonstration of Aboriginality at the time of interview but certainly I have not received any feedback from any of the panels that we have delivered where someone has challenged or been concerned with that. Are there other dot points you could perhaps—

**MS MCGRADY:** No, I think you may have covered.

**Ms Crowe:** If I have not, and I have missed something, I am happy to take that on notice.

**Ms Playford:** Do you have the number of people we have in non—you said I think it was 19 designated positions but I think we have got 70 something.

**Ms Crowe:** This is a good news story. Even though I hate talking about numbers per se, but since 2018-19 we have grown our Aboriginal and Torres Strait Islander staff who are feeling comfortable and safe to identify within the system of course. We currently as at July have 73 staff who I feel safe to identify, and back in 2018-19 it was 54. What I feel more proud of in the numbers per se is back in those older years, we did not have any staff in positions of leadership and now we have seven reported on our data that are in leadership positions. So I think that is a really great news story.

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We also are investing in the talented Aboriginal and Torres Strait Islander staff, whether that is through supporting them to go to Garma and immerse themselves in the culture themselves and bring back that learning. We also have one staff member who is undertaking the public sector management program which is delivered by the Queensland University and we hope that will be a stepping stone into executive level positions.

**MS MCGRADY:** We will skip to priority reform four. So how are you progressing the principles of Indigenous Data Sovereignty?

**Ms Playford:** So again, I think data is an area where we, like other ACT government directorates, are still maturing in that area but I am going to get Cherie to talk in a minute to what we are doing specifically in that area because we are trying to I guess—and Petra referred before around you can just measure numbers but numbers do not tell you have you actually made a difference and what the outcome is, and do you employ Aboriginal staff and they stay for two months but leave because it is not a safe place and we can then employ some more, and they leave, et cetera.

I think we are trying to do more measuring through survey work and we have made reference to the survey that we are going to do of our middle managers around their cultural competency. We have our participation in the ACT government survey and there is some really valuable information around the level of racism that our staff they say they experience, and of course we have a very large multicultural component to parts of our workforce.

So that racism is not just around Aboriginal and Torres Strait Islander people but it is the same—

**MS MCGRADY:** We absolutely understand that, yes.

**Ms Playford:** It is the same solutions that we need to find about people understanding. But Cherie is the data guru for our directorate and responsible for improving our maturity in their data so I will let her have the floor for a minute.

**Ms McGlenn:** Five minutes of fame. Thank you. It is a really good question and it is something that I think the ACT government is really just starting to really investigate. So I sit on a whole of government and you asked earlier about what we do with other directorates. So I sit on a whole of government data working group, and one of the projects that ACT Health is actually doing is specifically looking at data sovereignty and understanding what data holdings they have, what they use that data for and what they should be using that data for and being able to look at the linkages.

So they are doing that piece of work with education and so we are one of the directorates kind of sitting to the back a little and watching to see how that project actually transpires and what they learn from that so that we can apply that in a whole of ACT government way.

**MS MCGRADY:** Thank you. What has your directorate done to appropriately identify Aboriginal and Torres Strait Islander people receiving services in your directorate under priority reform 4?

**Mr McHugh:** I think that comes back to the point I made earlier around the services that we provide generally are for facilitating outcomes for the community. You go back to transport again, and collecting that specific data is not something we are currently doing. So we do not ask people to identify when they ask for a My Way card, for example, in that context to understand how many journeys we provide are provided for community. I guess we are focussing more on the quality of the service that makes it attractive and accessible to all people to ensure that it feels like a safe opportunity for everyone, and that cuts right through all demographics in society.

**Ms Playford:** We have some services, of course, that are specifically targeted to the Aboriginal community. The community bus is a good example of that. Of course, we collect data on the numbers of people who utilise that service, and we can provide those, but again, we have had a conversation with the Elected Body previously and with you, Paula, around, “Well, how useful is that actually?” What is more useful is, “Is it actually providing the services that are required?”

We have I guess over the last couple of years pivoted our service, because the feedback we have received from people who use the community bus—and in particular the elders, and during COVID—we did not use to provide a service where we went interstate for sorry business, but obviously in COVID it was much more difficult for people to catch public transport to get to sorry business that was interstate, and we did start providing that service, listening to what the community needs were. That is something we have retained.

We all talk about the things out of COVID that we have kept delivering, and that is one where we have, I guess, pivoted from feedback from our specific customers around the services that they wanted us to provide, which were different from the services that we previously put sort of parameters around what we could and could not do. I think the Koori Pre-School one is another good example of that. Sorry, Ben.

**Mr McHugh:** No, I think it is a good correction, Alison. There are specific programs where we collect data. I guess the question is about the progress—

**Ms Playford:** What is the impact?

**Mr McHugh:** Yes, the impact and the outcome is where we are starting to learn how to undertake more conversations with people and collect that information and record that information to learn from it, so how effective was the libraries program in educating around language? Did it actually make a difference? Has it contributed to an outcome? That is the piece we are evolving into data collection and data analysis that informs how we do it again next time, rather than just doing the same thing.

**Ms Playford:** We know 300 people attended the event at Woden. What we do not know is whether those 300 people would like us to do something different if we were to deliver a similar event, and so trying to get that more survey quality of data I think is where we are trying to kind of move as well.

**MS MCGRADY:** Thank you. I will jump onto community bus now. You have given us a little bit of an update, but do you have more of an update around the community—

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**Ms Playford:** Yes. Ian McGlinn from bus operations will join us.

**MS MCGRADY:** Around the community bus and the service it provides, and are there plans to extend the community bus service?

**Ms Hughes:** Yes.

**Mr McGlinn:** Good afternoon. Ian McGlinn, Executive Manager of Bus Operations, and yes, I do acknowledge and have previously read the privilege statement. With the bus service, and rightly so, Alison just referred to allowing the bus to attend some sorry business. It was actually in Boggabilla last week.

**MS MCGRADY:** Boggabilla?

**Mr McGlinn:** Boggabilla. I had to look it up.

**MS MCGRADY:** That is where I come from, Boggabilla.

**Mr McGlinn:** Is it? Yes.

**MS MCGRADY:** Toomelah.

**Ms Playford:** That is where my sister lives near there.

**Mr McGlinn:** Yes, I had to Google where it was.

**MR WALKER:** They are bad people up there.

**Mr McGlinn:** Well, not only was there sorry business, there was a 30th birthday that they went to celebrate as well. It is quite pleasing when we get those interstate applications from Bruce, and that is one individual who has made the community bus a success, because he is the one taking the calls, making sure that it is equally shared out, et cetera, between the two vehicles that we currently have.

One of them is due for a lease replacement, which is the IMEX, which we have got on order like everybody else here when you order a vehicle at the moment that is an extended period. Whether we need another driver to provide further services to the community—that will be driven by data and word of mouth from Bruce, I think, or whether we just need another vehicle that we can release to the community for those events.

A lot of the events that the vehicle goes to—its most popular time is weekends. We do a lot of weekend loans of those two vehicles out. Bruce is saying that he has had on occasion where there have been multiple requests for the vehicles, and then he works out who can actually take that vehicle.

**Mr McHugh:** Things like community sporting trips and other type uses is really where we have seen it sort of change. Your question, Paula, about are we going to grow that service, and I think we will be led by the community on how and when it needs to grow,

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absolutely, but we are open to that conversation all the time.

**MS MCGRADY:** Yes. We note the reduction in the utilisation of the community bus in the 22 annual report. We are receiving feedback from the community that the busses are difficult to book. Can you explain how TSSC deals with competing bookings for the same time? Is it first in, first served? And then are essential services of health and culture balanced with social bookings?

**Mr McGlinn:** It is an interesting thing, because when we go to lend the busses out—so if community members wanted to take it on a Friday, we do rely on Bruce to ensure that we still have coverage. Now, I do have other vehicles—you know, the special needs transport, because the vehicles are now out of Fyshwick with our special needs vehicles, where I can allow Bruce to drive one of those; to loan one of those out for Bruce to drive it so we can dispatch both of those vehicles.

I think it would be a very rare occurrence where we would have competing events where we could not help by putting out both of those vehicles. That will drive whether we need to get a new vehicle, and then what size of vehicle that we want, because not everybody likes driving the HiAce because it is a little bit bigger than the normal car. Whether we need to go back to another IMAX or a Tarago style of vehicle. Then obviously we will be looking to transition that fleet to electric as we progress as well.

**Ms Playford:** In terms of prioritisation, I think we rely on our identified position, which Bruce fills, to provide us advice around, I guess, the various competing cultural sensitivities, and we have relied on his advice. That would be right, Ian?

**Mr McGlinn:** Yes, indeed.

**THE CHAIR:** How long is the bus allowed to be hired out for?

**Mr McGlinn:** Obviously it would come down to the significance of the event that we are going to. Like, if you are going to sorry business and it was going to Queensland, it would not be a two-day trip. I think on each occasion Bruce actually takes that all into consideration. You could not take the bus away for three weeks for a family holiday, of course, because that takes away from the rest of the community.

**THE CHAIR:** I will just have to ...(indistinct)... [14.19.43]

**Mr McGlinn:** Yes.

**Mr McHugh:** It has not got a fridge in it, so it is not good for camping.

**Mr McGlinn:** Yes.

**THE CHAIR:** Takes ...(indistinct)... [14.19.51]

**MS MCGRADY:** I think that would be something to explore a bit more to be able to reassure community on what the right process is.

**Ms Playford:** Yes.



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**MS MCGRADY:** If it is working, if it is not working, and why it is not working, and if we need to get, you know—

**Ms Playford:** Yes, and maybe provide some information and talk to Bruce around how he balances some of those competing priorities.

**Mr McHugh:** And take on board the difficulty for booking comment as well, and make sure that we are picking that up. We are procuring a new booking system for another function that may provide a better outcome for us in that space as well.

**MS MCGRADY:** Thank you.

**MR WALKER:** The bus service has been going for a while now. Because even as new people come to the community, some people are not aware of it. Maybe some kind of promotional kind of thing that might be—

**Ms Playford:** Some more information.

**MR WALKER:** Just information put out. I mean, just leave that on the counter at Winnunga or Gugan or places like that, just to advertise that there is a community bus for particular occasions, you know, to go away, because that obviously—I use the bus quite often with cultural significant events and stuff like that but you are hoping that if there is something—say if a weekender trip comes up, you just want to go away for the weekend but then you are competing against a family reunion or a funeral or sorry business, stuff like that, then that prioritisation by Bruce or whoever is involved in making the decision would be in favour of the more needy purpose.

**Mr McHugh:** Event.

**Ms Playford:** Yes, absolutely.

**MS MCGRADY:** So I will leave the best till last. What outcomes has the directorate achieved with the upgrades to Boomanulla. I have three points if you want me to read through them.

**Mr Iglesias:** Yes, please.

**MR MCGRADY:** Does Boomanulla have a site or master plan in place that has been guided by the community? What commitment does the directorate plan to give to the current and ongoing progress of Boomanulla and provide an update on the establishment of transfer to a community-controlled organisation for Boomanulla? So again, start with what outcomes has the directorate achieved with the upgrades to Boomanulla?

**Ms Playford:** I am going to hand straight to Daniel to talk. He has been the most involved.

**Mr Iglesias:** Thanks for the question. I would like to think that Boomanulla is the most beautiful sports ground we have of the 800-odd bookable sports grounds. It is a

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beautiful site. In the last 12 months we have upgraded the lighting to make sure that game play can happen at night, so that is a big improvement, big capital investment up from 75 lux to 100 lux to allow that to happen.

**MS MCGRADY:** Daniel, can I mention can you start from—because a lot has happened out at Boomanulla, can you start from when that demountable became operational or finished because I do not think the community area ware of that. If that is okay.

**Mr Iglesias:** Sure. We now have a demountable bookable area for community to use on Boomanulla Oval. The building itself is brand new. It has got great facilities and it offers a real opportunity for community to get together on certain activities which are usually associated with on-country community-related things, and that is able to be done through our booking system.

We spent a bit of time with the secretariat to just clarify how community can do that and how to make it easy for people to be able to make a booking. So that is really important. We have also put Wi-Fi in so people can do all the gadget stuff when they are there.

The fence around the facility completely replaced, Paula. So we have got a brand new perimeter fencing. As I say the lighting. Irrigation has been increased. We have done some work on the grounds but that is still an area we want to do more work on to improve the quality of the grounds. Hopefully we can do that in the next 12 months.

So what we are describing here is a ground that has some great facilities for community, and the sporting groups that are using it are starting to expand. We are now getting interest from AFL, from rugby union, and from tag rugby and our preference would be, of course, for Aboriginal and Torres Strait Islander teams they get the preference, but the fact that the broader community is also seeing opportunities.

We have even fielded some interest from the Greater Western Sydney Giants to come and do some pre-training, and that presents an opportunity for us to say well, what can you do for the community? If you are going to come and train there, can you put some training camps on for the kids or can you run some drills and so on and so forth. So that presents an exciting option for us to develop in the next 12 months as well.

We are also looking to our colleagues in education about whether some of the stuff that happens at Birrigai in relation to Aboriginal education can also happen out at Boomanulla.

**Ms Playford:** Do you want to talk about the move towards community control and how we are trying to progress that.

**Mr Iglesias:** Yes. So really important, we have the expertise in our sports grounds' teams to make a sports ground work in Canberra. Let me tell you that is hard when it is really cold and really hot. So we have got that expertise. We have got the people that know how to grow grass, and I have learnt myself—not an easy thing to do in Canberra. So from our perspective we would take the lead of the community as to how they want to see the ownership of Boomanulla.

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We, if you like, are keeping the sports ground going but we would want to hear from the community. What would be the nature of the engagement for management, how does community see it work, and if you like, we can then provide some options. So instead of us coming to you we want to hear from the community about what they want, and we can then make an informed response to community and say okay, there are options. We can have anything from a stakeholder-type arrangement all the way through to a board of management type arrangement.

That can be a transition, a journey in time where we start over here and we build the skills so that we get to here, or it could be we might be able to jump to one particular solution. For example, we might have some sort of in between arrangement where there is a peak committee that oversights and makes decisions about Boomanulla Oval, and then we are in the background taking the instructions and still looking after the sports field but the committee might be making decisions about strategic outcomes for Boomanulla.

So I suppose what I am saying is we are open to options. We are open to whatever the community wants.

**Ms Playford:** And I guess I would just like to put on the record that it is something that we are wanting to commit to work towards having a community-controlled organisation who could—Boomanulla used to have a community-controlled organisation that looked after it. It was given back to government. We have worked with community and tried to listen to community about what they wanted from those facilities.

You asked about a master plan. We do have—there is a continuing sort of list from what community wanted with those facilities that has been prioritised and we do try and make sure that some of the infrastructure funding, our maintenance fundings gets sort of allocated to doing each year at least one project on that list, so we keep a continuous improvement of those facilities.

But we want to help look at how we can improve capabilities in the specialist art. I am looking after a sports ground and keeping the grass green and a booking system that we could potentially hand over and allow a community organisation to operate. I know that Daniel and his team do have a number of Aboriginal staff and so we are looking where it might be foreseeable that in the future some of those staff who we give training, et cetera, to might actually join a community organisation and take on the different role.

**MS CHIVERS:** Can I just ask because we obviously do not want to set it up so that it is a failure.

**Ms Playford:** Absolutely.

**MS CHIVERS:** And so that one of the issues previously with Boomanulla was certainly around governance, so I absolutely agree that it does have to come from community but with the advice and guidance from TCCS and also include—so if community actually came up with an option that probably would fail, would TCCS or would you work with the elected body to then provide the advice that that might not be the best approach but these are some other options how we could help.

**Ms Playford:** Certainly happy to. And we are also engaged with Community Services Directorate who are doing very specific work around growing community-controlled organisations within the ACT, and really the Boomanulla example is a subset. So we are not just trying to do this alone; we are trying to engage with that organisation. Yes, there is a variety of options and you know, it might be that a community-controlled organisation almost gets services from TCCS that we provide in very specific practical areas like watering and mowing grass.

**MR WALKER:** We had a presentation. You guys, and I cannot remember who but someone—

**Ms Playford:** It was Daniel.

**MR WALKER:** Someone put those options to the elected body, so the elected body—obviously since the refurbishment of Boomanulla Oval, the elected body has been internally talking about and from last term, or members from last term obviously, were talking about the road back to community control, and that is what we asked from Daniel to bring that to the elected body a few meetings ago now, and give us those options around what level of management we could have at either stage. We obviously take that on board, and in the future we will be asking and want to obviously join in that consultation with community about where we want to go with the organisation.

**Ms Playford:** Yes.

**MR WALKER:** A couple of other things is that you are right about the demountable. It is a really great space for Aboriginal organisations. Unfortunately, the booking system at the moment—you have to pay to use the space, and some of our not-for-profit organisations do not have the money to pay for that space. I actually mentioned it to Ben. He made the comment—when we opened the thing he said, “What a beautiful view.” I said, “Yeah, pity we have to pay for the view to come and have a meeting here.” Myself and Jo obviously are on our NAIDOC Committee. We would like to meet at the oval, but—

**MS CHIVERS:** Cannot afford it.

**MR WALKER:** We meet other places where we can meet for free, and we cannot afford it. Also, the only other thing that I would—without sort of breaching any kind of protocol, I guess, but is that this year, as you know—and it is to do with the people who maintain the oval as well with ACT Sports. Given that the cockatoos had a real party at our oval, and unfortunately whatever seeds or grass or whatever you are using, they absolutely love it, and they ripped our oval to pieces. So we have spent the last five home games away from Boomanulla Oval, which lost us revenue for canteen, gate, things like that from the rugby league team point of view.

The other thing obviously is that the costs for us as a club to hire it, to play football on it and to train on it—it is phenomenal, the costs for us as a club, a non-profit organisation, struggling to always find sponsorship as an Aboriginal club. It is phenomenal. It counts for half of our budget when we are looking at from when we start pre-season in January all the way through to August. We are paying \$250 every time

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we train and \$750 on the weekend when we play, so it is a lot of money, and that just takes away our budget to do anything else in our club. We would like to come and have a sit down and have a talk about how we can—

**Mr Iglesias:** Happy to do that, Maurice.

**MR WALKER:** —reduce that, but it just costs us a lot of money.

**MS CHIVERS:** And it is obviously like that for lots of other Indigenous clubs and organisations as well, because obviously the Boomanulla Rugby Organisation is quite well known in the community, always has been. People know, through what their experience is, what it would be like for them as not-for-profit organisations, so they do not even then bother or think about using facilities at Boomanulla, which is a shame because it always has had such a strong connection to the local Indigenous community.

**MS MCGRADY:** What is the charge to use the demountable?

**Mr Iglesias:** I could not tell you the exact rates. I would have to get back to you on the exact rates, but there are official pathways available to us to seek concessional rates, so I would be keen to speak to Maurice to just get an idea as to what the cost is—what the burden is—and we need to get some advice.

**Ms Playford:** We will need to brief government on that around changes to the fee regulations, et cetera, but it is something we can talk about.

**MR WALKER:** I understand that. I am just venting.

**MS CHIVERS:** I do know previously—not in relation to Boomanulla, but in relation to the Cultural Centre, for example, when Shane Rattenbury was the Minister for Aboriginal and Torres Strait Islander Affairs, as the minister he made a decision—and I am assuming it went through the cabinet process—but where for three years Aboriginal and Torres Strait Islander organisations or groups were not actually charged anything to use the Cultural Centre, for example.

**MS MCGRADY:** Thanks, Member Chivers. We will just go back to the topic of Boomanulla. I understand a community organisation that does use the demountable does not pay any fees, so there are no fees attached to the demountable. There are fees attached to the use of the oval, I understand, as well.

**Ms Playford:** Yes.

**Mr Iglesias:** Yes, correct.

**Ms Playford:** That is the difference.

**MS MCGRADY:** I do understand and take that point that community do need to be updated on the booking system. Also, we have had conversations—we have had a presentation by Daniel as well—discussing the governance models and the future of Boomanulla, because it is very important to us, very important to community that we get this right so that it is sustainable and it has the expertise to be able to make sure that

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Boomanulla stays to the level of how it has been brought back now. That is really, really important.

**MS CHIVERS:** I would just like to clarify that that was just an example that might be something that could be done for Boomanulla, like the example that was done for the Cultural Centre.

**Ms Playford:** Sure.

**MS CHIVERS:** What I was talking about was not actually specifically in relation to doing something now in relation to the cultural centre, but that that was an example of potentially an option that could be done in relation to Boomanulla.

**Ms Playford:** Yes, and we are very keen to work with the Elected Body, particularly around I think that management plan, working through what a governance model could look like, but we want to be guided by you about the best way to engage the committee. In the meantime, we can seek and we have been working to try to work through as issues are raised. Paula, you have been a great conduit for a number of organisations around specific things like access to the Memorial Gardens, or how to do a booking and simplifying our booking system.

So we have been trying to take on feedback and progressively improve access, but I think there is the bigger piece that we would really like advice from the Elected Body around how we can go forward. As we said, Daniel has presented some options, so really, we would appreciate some feedback on how you would like us to take some of those options.

**MS MCGRADY:** Thank you.

**THE CHAIR:** Thanks, Alison. We will finish it there now.

**MS MCGRADY:** Daniel?

**Mr Iglesias:** I will just say that I am on notice to come back to a board meeting down the track and give some examples.

**MS MCGRADY:** Thank you. Yes, and we have been keeping this conversation going at our regular meetings and beyond in-between, so thank you very much.

**Ms Playford:** Thank you. Sorry, we are all over.

**MS CHIVERS:** Thanks, Alison.

**MR WALKER:** Thanks, guys.

**Short suspension.**

**THE CHAIR:** My name is Tanya Keed, and I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all members of the elected body and would like to introduce them now. Paula McGrady, Deputy Chair, with portfolios with

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Transport Canberra and City Services, ACT Health and our representative on the Coalition of Peaks. Maurice Walker, Member, with education and community services portfolios. Jo Chivers, Member, with justice and community services portfolios. Deanne Booth, Member, with Major Projects Canberra portfolio.

Please could all witnesses that give evidence during the hearings acknowledge the witness statement for the record. I would like to invite the Director-General, Karen Doran, for any opening statements before commencing the questions. Please can you limit your introductory comments to two minutes.

**Ms Doran:** Thank you Tanya, and I will easily limit it because unfortunately I am suffering with a bit of a loss of voice today, so I apologise for that today. But I am joined by my two very professional colleagues, and they will help me with responding to your questions today. So I will not make an opening statement, thank you, and I might just pass to Simon to do the acknowledgement, thank you.

**Mr Webber:** If the Committee is comfortable, I would like to do the acknowledgement in the Ngunnawal language. I am not necessarily an expert, but I have done some training and I would like to take the benefit of trying to gain some experience.

*Dhawura nguna, dhawura Ngunnawal.* This is Ngunnawal country.  
*Yanggu ngalamanyin dhunimanyin.* Today we are gathering on Ngunnawal country.  
*Ngoonawalwari dhawurawari Dindi wanggiraldjinyin.* We acknowledge and pay our respects to the elders.

We would also like to acknowledge, recognise and other people, families with connections to the lands of the ACT and region, acknowledge and respect the continuing culture and the contribution they make to the life of this city and this region. I would also like to welcome any other Aboriginal and Torres Strait Islanders joining us today. Thank you very much.

**THE CHAIR:** I will now pass to Member Booth to continue the questions.

**MS BOOTH:** Thank you, Tanya. We will start by considering the four priority reforms of the National Agreement. Priority reform 1, partnership and shared decision-making. So how is the directorate working with the community to share decision-making to provide increased and improved incomes for the Aboriginal and Torres Strait Islander community?

A couple of dot points. How many new formal partnerships have you directorate established since 2020? How are they resources? What have they achieved? Is the information publicly available?

**Ms Doran:** I might attempt to start, and I acknowledge the privilege statement, thank you. So we certainly recognise the importance of creating real partnerships with the Aboriginal community and the Aboriginal Community-Controlled Organisations. Within MPC, the nature of our operations means that we are not really working in a service space, and so we are not able to do that in a way that a lot of other directorates do.



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But certainly, in our delivering of infrastructure projects we may every attempt to both support the employment of Aboriginal and Torres Strait Islander peoples, to support that participation matter within our procurement frameworks, and our consultation, our engagement with stakeholders to ensure that we are hearing the community voice in those processes. But I know Simon will add a lot more detail to that. Thanks, Simon.

**Mr Webber:** Sure. So I think in terms of outlining Major Projects Canberra's operations, we deliver projects primarily through our infrastructure delivery partners branch, and the partner directorate project. So they are owned by the other directorates, and that is the largest in number of our projects.

We have our four designated projects for which we take responsibility, being the Canberra Hospital Expansion Project, the Light Rail Project, we have the Canberra Institute of Technology in Woden running through it, and our newest project is the Canberra Theatre project. And then of course we have Major Projects Canberra ourselves, in terms of our journey and the things that we need to do.

But I guess, back then to the question. We do not have formal partnerships in that sense, with Aboriginal Community-Controlled Organisations, but we do work very closely with a number of those sort of organisations. A good example would be the work that we do with the ACT Health Directorate currently. It is their project, but we work quite closely with Winnunga Nimmityjah in relation to some work that is going on with Watson.

We have also worked closely with Winnunga Nimmityjah at the AMC in relation to some facilities that we have delivered on behalf of Justice and Community Safety Directorate. So we work quite closely in that sense with those organisations. For us, the Light Rail project in particular does a lot of work with the Dhawura Ngunnawal Caring For Country Committee, and very much a sort of regular stakeholder relationship.

And I think back to Gugan Gulwan, which is another very important project for Community Services Directorate, we are very pleased to have one our Aboriginal staff, Ben Lookden(?) [14.58.43], who is a project manager on that project, delivering on behalf of Community Services Directorate.

**MS BOOTH:** Okay. Moving onto the indigenous procurement policy. What is the number and the value of the contracts that you have that support the IPP?

**Mr Webber:** I will focus on the four, as you noted, projects in that sense in our organisational spend. I am sorry I do not have the exact number of contracts, but we would certainly take that on notice, if that is okay, to get you some details of those. But if I looked at the total spend, noting there is a number of systems that we use to culminating this, our spending in percentage for 22-23 is approximately 4.9 per cent of our expenditures went to Aboriginal organisations, Supply Nation registered or otherwise certified as an Aboriginal and Torres Strait Islander organisation.

That is just around about \$14 million dollars, 14.02 but that is a little bit precise. The numbers are not absolutely 100 per cent in that sense, but that is certainly the order of the expenditure on Aboriginal and Torres Strait Islanders.

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**MS BOOTH:** So what are the requirements within the contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander people?

**Mr Webber:** Thank you very much, and I am comfortable to keep going on that one. So I think what we have done, we have had a number of contracts where we have had expenditure targets, and if I could mention the Canberra Hospital Expansion, we have got a 10 per cent target of trade costs under that project of expenditure in relation to the Aboriginal and Torres Strait Islander organisations.

I have got a little bit of a breakdown of that number, where 5 per cent is expenditure directly on employment, 4 per cent is expenditure on procurement through Aboriginal and Torres Strait Islander-owned businesses, and 1 per cent is on education and training.

Through that process, the Multiplex Contractor—that is our tier 1, head contractor—we then obviously interrogate work that those—receive their project reports that go through to our project boards where they all get reviewed, and then of course we have also got people on the ground in relation to the projects to make sure that these reports are real as well, in that sense.

That is the Canberra Hospital Expansion. Interestingly on the Raising London Circuit Project, which you might have heard is a component of Light Rail stage 2, we have looked at—not a 10 per cent number, it is about a 4 per cent number on that, I think. But we have also, instead of just expenditure, we have actually got some employment number targets as well. So the team is bringing in those sorts of numbers.

I think that Abergeldie is the contractor for that. I hope that is okay to mention that, as it is public record anyway on our contracts register. But in relation to that, Abergeldie contract that we have on Light Rail at the moment, they are exceeding the target with 5.5 per cent of their workforce identifying as Aboriginal or Torres Strait Islander. So we are pretty pleased about those two.

Our Canberra Theatre Project is just commencing in terms of design. So our approach in that sense, and I might be going a little bit off the question.

**MS BOOTH:** Might be good for the next question.

**Mr Webber:** Yes. Okay.

**MS BOOTH:** So the next question would be, what are the specific requirements that non-Aboriginal and Torres Strait Islander organisations must have to guarantee service access to the community, Aboriginal and Torres Strait Islander staff within the organisation, represented on the board, and how their procure services?

**Mr Webber:** So in terms of the organisations we engage? I am sorry, if I could just seek a little bit of clarification.

**MR WALKER:** Yes.

**Mr Webber:** So in terms of insuring that they will have that sort of representation, we will expect to see that in that reporting and get involved with conversations with the

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different organisations. We will witness the—the Lack Traffic Group as well, with the projects, as an organisation, which is another Aboriginal organisation in terms of actual delivery, we know they are there. But I do not think I am quite answering your question, I am sorry. I may need detail to that.

**MR WALKER:** Yes. Obviously the procurement policy obviously has a number that we want to reach and make sure that there is input from Aboriginal and Torres Strait Islander people, and if the contract is obviously offered to the company then we want to see that reflected in the workforce, so that those opportunities are able to be applied for by community, especially in the ACT.

Because that is, like I said, if you are dealing with Aboriginal organisations, whether there is representations on boards and things like that, if you are dealing with a construction company there may not be Aboriginal people on the board. But at the same time, are you looking at, how do you view employing Aboriginal people, and as an entity that is controlling the contract, some of the specific things that you might put in is about, “Well, we want that 5.5 per cent of Aboriginal people employed, or 10 per cent of businesses used for services”.

**Mr Webber:** Yes. So those targets, and one thing I think is important around the context of our operations particularly for those designated projects which is really our area of control. They are of such scale that we are looking for the national level contractor, and unfortunately there are currently none that are recognised as an Aboriginal and Torres Strait Islander organisation.

But that sort of sets a little bit of the scene. But then through those contracts with those larger organisations, we have those targets in different ways established, that we then get measured, and I could touch on those quite quickly. I think I have mentioned Canberra Hospital Expansion, in relation to that, but I might touch back a little bit later in terms of the connectivity centre that we established through that project.

In the Light Rail project, we have 2 per cent of spend target in relation to sub-contractors. So that is the Light Rail stage 2 that we run through, a 2.5 per cent workforce target, and as I mentioned, Abergeldie is performing better than that 2.5 per cent at 5.5 per cent.

In the Canberra Institute of Technology Project, the CIT Project, which has got some elements still under construction now with the Yurauna Centre package 4 which is going in to Bruce, we will set up there quite a high target figure, Yurauna Centre, that would mean two approaches. It would certainly have non-Aboriginal organisations could go for that, as long as they demonstrate in their tender process they will—and very extensive tenders that we analyse in detail to insure that we do not just take the promise as a promise.

We actually make sure that our professionals that are assessing the tenders believe the promise can be delivered. So in the Yurauna project, we know the package 4, we are setting up higher targets as well that would lean probably towards a First Nations Organisation to win the tender, but a non-Aboriginal organisation could win that tender as long as they have sufficient sub-contractors in their team.

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We are really just starting with the Canberra Theatre Project, so there is not too much in terms of expenditure targets set, although obviously we will meet the policy at the 2 per cent minimum requirement. But we have engaged, I think it is Yerrabingin, who has been engaged as a sub-consultant to our design part to insure that we are making sure we are looking after and looking to the requirements, particularly in that location of right here, how we are sitting it in the environment properly and in consultation with local community.

**MS BOOTH:** You might have already answered this. So how are you engaging with Aboriginal and Torres Strait Islander businesses, and how many contracts have you entered into with Aboriginal and Torres Strait Islander businesses?

**Mr Webber:** I might take that number—it is probably a little too close to zero for my liking, to be honest, because of that designated project element for our big ones, however within Major Projects Canberra, we are doing a number of things as well, including developing our initial reconciliation action plan, and that has been with Curijo for conditional endorsement. So that is a direct engagement in that sense.

And we have got a number of others. We are working with Corroboree in relation to supporting some of our engagement of people into designated positions, which is something we have just started through, and we have worked with Thunderstone as well, and I thank Tyrone. I hope I did not get it too bad, anyway. And there is a few things like that, and we are actively looking to get that support into our own organisation, and then really through that designated—it is a sub-contractor lens at this stage, unfortunately.

**MS BOOTH:** So as a percentage of spending, how much is spent with Aboriginal businesses, breakdown by products and services.

**Mr Webber:** So it is about 4.9 per cent, but we will break that down, we will provide some more information if we could. A lot of that is sub-contractor in terms of works, but there are some services elements in that sense for some of those other consultants that I have mentioned.

**MS BOOTH:** So we just move onto the priority reform 3, transforming government organisations, ACT Agreement. How is your directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Mr Webber:** So I mentioned in relation to Major Projects Canberra and our reconciliation action plan and the importance of us understanding the true history, what actually happened in this place over two centuries ago. Through that process, we had a cultural learning journey program. We have got about 300 or so staff, I think is that number.

**Ms Doran:** 270.

**Mr Webber:** 270. Anyway, but about 133 of our staff, we went through a cultural training program with Curijo in relation to understanding and full awareness. There was also a more advanced, I guess, executive cultural journey. Cultural training that went through our journey in that sense is centred around our reconciliation action plan. We

did receive conditional approval from Reconciliation Australia for that.

We are currently working closely with United Ngunnawal Elders Council to finalise our artwork, and we are considering making that an action for our plan rather than a precursor to getting the final approval of that. But we are very close to getting that finalised, and while that has been sitting there we have been acting on the intent of the plan by some of the language training, the cultural journey and some of the other elements.

And then also feeding that into our executive team as well, who then set the scene for our designated projects and that, I think, is leading into some reasonable work, with obviously a lot more to do.

**MS BOOTH:** So how do you work with other directorates?

**Mr Webber:** So other directorates are our partners, even in our designated projects. So if we look at Light Rail Project for example, we will have members of other directorates into those designated projects as well, because ultimately they will be assets that are looked after, say by Transport Canberra or Canberra Health Services, depending on the project. So we work closely in those designated projects, but I think really a lot of it is in—and this is about the workforce numbers. We have got hundreds if you will of other projects across all of the directorates where we work very closely with their directorates on their policy objectives.

A good example is say Gugan Gulwan where we manage that procurement process and have a contract manager who turns up on behalf of the Community Services Directorate and very much work with them to ensure that we are meeting their policy objectives so, you know, do they want an Aboriginal and Torres Strait Islander head contractor for this in terms of one of those policy options, or is there a larger target of the 2 per cent for example, and we target that or the Community Services Directorate is targeted, but we will also do similar things with the Education Directorate.

The Gold Creek School I think had a 30 per cent expenditure target in relation to Aboriginal and Torres Strait Islander expenditure and did very well in terms of delivering that. I think it just got above the 30 per cent, so it is a very good outcome. If there are any sort of specific queries on projects or anything like that?

With our directorates as well, we then will have monthly program meetings in terms of delivery so that we can direct feedback in relation to actually delivery issues as well.

**MS BOOTH:** Thanks. Systemic racism, have you done to review your legislation, policies, procedures, processes to identify and remove systemic racism. Some dot points are: what have the directorate implemented to address systemic racism? What legislations have been reviewed and amended? What policies have been reviewed and amended?

**Mr Webber:** So I am happy to I guess—we are leading into this a little bit again with Community Services Directorate. We are very lucky to have two key people, if I will, but Barry Ingram who is a senior member of our team and part of our delivery unit who worked with CSD. He is an Aboriginal man who helped to—and is part of the

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addressing systemic racism committee and it is run by Community Services Directorate; and Rebecca Power who won the Bill Harris Executive Leadership Award who is just a fantastic human being and really understands a lot of—through history and from Aboriginal and Torres Strait Islander women’s perspectives as well, and she has also been a very keen advocate in relation to addressing systemic racism and joins into that committee.

I have been a recent entrant if you will in terms of my time into that area, and so joined into the workshops around the framework that has just most recently been developed around addressing systemic racism. I think for us the key learnings in terms of our executive and the executive journeys that we have been on is we are part of that, we are the cause of it, and actually understanding it, you cannot know, you cannot actually address what it is collectively because you are inherently part of that establishment that has caused some of these issues.

So then a lot of communication with other people in other directorates to ensure that we are not gauging ourselves; we are opening ourselves to be gauged by others.

**MS BOOTH:** So racism, how has MPC supported Aboriginal and Torres Strait Islander employees across the ACT Public Service to reduce experience of racism and discrimination?

**Mr Webber:** My role within Major Projects Canberra is as the executive chairman for Aboriginal and Torres Strait Islander engagement and reconciliation, and we are a small directorate and I guess within our directorate we only have, and it is only unfortunately, three Aboriginal and Torres Strait Islander staff, and I am in direct contact with all of those staff pretty much every day, if not every week, and we do talk about those issues regularly.

I put myself up as an advocate for them but there is also obviously a number of other channels that the Aboriginal and Torres Strait Islander can go through if they need to in that sense too if they are not comfortable raising issues with me. Barry Ingram is a fairly senior member of our team as well and he reaches out—he is an Aboriginal man and works closely with the rest of the Aboriginal and Torres Strait Islander cohort in the organisation. So it is just I guess making it as open as we can for any concerns to be raised.

**THE CHAIR:** Is Barry based in Canberra?

**Mr Webber:** Yes.

**MR WALKER:** Is he still out in Belconnen?

**Mr Webber:** He is Holt I think, yes.

**MR WALKER:** No, where he is working?

**Mr Webber:** So we are in Callam offices in Woden but—

**MR WALKER:** Because you were out at Nature Conservation House.

**Mr Webber:** Yes, it was good. It is a nice spot out there. I am from the south side but we will not bring them to the south at this stage.

**MS BOOTH:** We are too.

**THE CHAIR:** Yes, all of us.

**MS BOOTH:** So how many incidents of racism are generally reported within the directorate each year? How are they reported? How does the directorate address incidents of racism? How are they prevented in the future?

**Mr Webber:** I have not been advised of any directly in my role; however, that does not mean that there have not been. They are perhaps above my role or outside of my role. I might see if Kylie does have any additional information in that.

**Ms Bailey:** I am Kylie. I acknowledge the privilege statement. We have had no reports in the last 12 months, no formal reports of discrimination and of course being a small directorate we do not have a separate policy of our own. We follow the whole of government guidelines and the reporting frameworks. We have respect, equity and diversity officers as well as Simon. His role, the staff can go to if they do have any concerns.

**MS BOOTH:** So how does ACT government train and assure the cultural competency of the ACT government employees?

**Mr Webber:** I think I should acknowledge the privilege statement. If I did not do that before, I apologise. For the cultural component we are really looking through the reconciliation action plan and the lens of that and the actions around that as that works through around making cultural awareness training mandatory for our employees. Currently on our portal, our employees can nominate for the course and we will work that through with Curijo.

We are just planning our next sessions actually, so in that sense—the 133 number we do want to get that up to be 100 per cent. That is our goal.

**MS BOOTH:** Is the content design delivered by local Aboriginal and Torres Strait Islander people or organisations?

**Mr Webber:** Curijo, I call them they are local but they are not a Ngunnawal organisation so to speak from what I understand, but they have certainly brought in a lot of detail about the whole history, if you will, from a whole of Australian perspective, which I think is important from the global perspective. We have got a lot of people who come from other countries, you know immigrants, so that whole of Australia perspective can help.

I think the other area they are, in particular, and I took some learnings, one of my reconciliation committee members had learnt to speak the welcoming in Ngunnawal by himself and one of the—learning you know, with Tyrone Bell and with Thunderstone was let us not do that, that is not appropriate you know in terms of that, so we are going



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to increase our training in terms of language training, so our next port of call there is through the reconciliation committee in terms of making sure the reconciliation committee is there for language training.

Combined with that, we are also doing an on-country tour and expanding our cultural learnings from that perspective more to the local environment as well.

**MS BOOTH:** Moving on to priority reform four, directorate-specific questions. MPC works with Procurement ACT to provide guidance to Aboriginal and Torres Strait Islander-controlled organisations seeking to undertake construction work with the ACT government. Provide details of Aboriginal and Torres Strait Islander People's involvement in the ACT capital works project in the last 12 months as number of Aboriginal and Torres Strait Islander businesses, percentage of spend on these contracts, number of Aboriginal and Torres Strait Islander employees.

**Mr Webber:** So three Aboriginal and Torres Strait Islander employees. We might take the rest of those on notice just to get some of the details because the numbers—I could I guess mention a few of the organisational engagements. Some of these will involve part of the directorate projects.

**Ms Doran:** Maybe just before you do that, Simon, it is worth I suppose clarifying that we can provide direct data for what we have been calling the designated projects, so the big projects, which is what MPC delivers, and Simon has been talking about the hospital project and the CIT. For a lot of the other work where we work together with other directorates and support their procurement of capital works—and Simon is about to give some examples of Aboriginal organisations that have been involved there—but that is probably the same data that you will get from the directorates themselves, because it is their relationships and their contracts.

**Mr Webber:** Thank you for that important clarification. In terms of some of what we call infrastructure delivery partner projects, or partner projects, we mentioned Gugan Gulwan. Demolition of the project was by Rork Projects, so the demolition of the existing facility was by Rork, and the construction of the new facility—we will have targets in there.

I have mentioned the Gold Creek School as well. That was on behalf of the Education Directorate and Gugan Gulwan. In relation to CSD, the Common Ground Project in Dickson. While that has been there for a little while now in terms of the sort of 12-month, the contract is still live, and I think it achieved around about a five per cent participation rate in terms of the head contractor there. Richard Crookes Construction I believe is running that.

The Margaret Hendry School. The Education Directorate had—it is about a 1.5 per cent Indigenous participation, so it was not a direct engagement, if you will, there for an Aboriginal contractor, but certainly in terms of actual workforce numbers was quite high. East Gungahlin High School is very similar, in terms of about a five per cent. Some of the highlights in terms of work subcontracted to First Nations peoples and organisations, so that is nice as well.

What we also are working with—Ngunnawal Caring for Country Committee will do a

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lot of landscape design and reference back into some of those groups, but some of the larger packages coming out from Transport Canberra and City Services in relation to some of the bigger road projects, so the landscape designed by Bagariin. I do not know Bagariin, so hopefully I got that one right in that sense. Monaro Highway. Again, Bigariin Ngunnawal Cultural Consulting have been involved with the Monaro Highway. It is very nice to see projects doing the dragon boat facility, I think, in Grevillea Park, so there is another contractor that is a First Nations Aboriginal and Torres Strait Islander.

Umbagog Bridges, which is really then looking into working very closely with what I call Registered Aboriginal Organisations—the old RAO, from my perspective, from the environment ... (indistinct)... [3.25.12] you know, King Brown Tribal Council. All of those sort of ... (indistinct)... [3.25.16] so we really have contact with all of them and invite them in to review the impacts, potentially, and to get some guidance on how to limit that to improve our designs in consult with country, I think, is the way I call it, which is probably not ideal, but that is very important.

Namarag. That is probably an old one. I probably should take Namarag off the list, because it has been around for a little while, but it is still in a sort of defect period and liability period, which is a wonderful project all up. Not a First Nations direct engagement, but again very high in terms of above the target of two per cent. We got four per cent of the value of the work there through Aboriginal and Torres Strait Islander expenditure.

We are probably looking at a few new ones coming in in terms of the material resources, so the Hume Transport Canberra City Services Project. Very important for them, but we are working closely again to make sure that they are meeting their targets on that. Very big John Gordon Drive and Molonglo River Bridge, which is probably going to be one of the biggest road projects for a while, and again that will meet the Indigenous participation policy that we have.

Then a couple—I think I mentioned AMC. We did an upgrade there with Rork Projects as well in terms Justice and Community Safety, and that last one, which is not quite—it has been appropriated in terms of some design work, but the Watson Health Hub with Winnunga Nimmityjah in particular.

**MS BOOTH:** Thanks. Moving onto the RAP, how is the Reflect RAP progressing?

**Mr Webber:** From my perspective, not quickly enough, but we are working patiently—I think is probably the best way to work through, so Curijo has put some great work in terms of assisting us in developing what we need to do for our journey. That work is a little bit old. It is probably fair to say we were hoping to get the formal approval of the RAP at the end of last year. We got conditional approval. Really there is one piece missing in that sense, and I think it is important that we do this properly. We are intending to develop artwork for the RAP, and it is very important, I think, that that artwork—from my understanding—assists to represent a bit more of a journey, rather than just words on paper.

Recognising that we are on Ngunnawal country and Ngunnawal people as the traditional custodians of the land, it has been very important for us, and in accordance

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with the better practice requirements of Reconciliation Australia, we do want to seek the United Ngunnawal Elders Council's endorsement of the approach and of their approach to the artwork that we are taking.

We are intending to use a—I struggle with this term, but not a Ngunnawal person to do the artwork, but then get mentored by a very well-respected Ngunnawal artist, Lynnice Church. But in working through that I think it is very important that by establishing Ngunnawal artwork on Ngunnawal land, that it is about impacts that we will have on Ngunnawal land from an infrastructure perspective for 50 or 100 years or more—that we get that endorsement.

So we have got some good content in terms of the RAP, and I could go through some of the detailed actions if you would like me to, but in terms of developing that one through, our next step is probably to take the action of the artwork and make it an action of our Reflect RAP, rather than a precursor to the submission to RA, so we are very close to that decision now.

**MS MCGRADY:** Thank you. It will be really nice to see that artwork.

**Mr Webber:** Yes, and we will definitely do it. Very keen to get that done.

**MS BOOTH:** Canberra Hospital expansion. We understand that the construction of the Canberra Hospital expansion required that the successful tender was to promote Aboriginal and Torres Strait Islander participation rate by work hours. How is this progression? How are you holding them accountable to the tender requirement?

**Mr Webber:** Okay. Fantastic question. The project board that is established for each of our designated projects is a governing committee, if you will, that sits across and receives all of the information and reports and details, and effectively that runs through our governance process. That is sort of the checking, if you will—how do we ensure that we are meeting the targets or meeting the requirements of the tender. That process receives those sorts of reports and information.

In relation to then that target, what we are seeing in terms of the breakdown of the ten per cent of trade components—we are seeing some good outcomes from Multiplex as the head contractor. Over \$15 million to date under that contract—so previous years as well—has been through Aboriginal and Torres Strait Islander-recognised organisations, or companies, really, in that sense.

**MS BOOTH:** Gugan Galwan. What is the progress of the new premises of Gugan Galwan? What plans are in place to avoid extensive delays in the future? How are the needs and perspectives of Gugan Gulwan being heard with engagement with CSD? What are the Indigenous economic outcomes expected from the build?

**Mr Webber:** Some of those things will be policy set through Community Services Directorate, and they will be considering some of those. I do not have the exact detail of that, however from a Major Projects Canberra perspective, we work very closely with the Community Services Directorate in terms of the team that delivers it.

In terms of some of the delays to the project in relation to DA approvals and other things

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that have taken probably longer than we had initially anticipated, we are reaching out to different areas of government to advise the importance of these projects and to the progress of approvals and the like.

One thing we did too, we will often have a project where we do a design and construct, which might include some demolition aspects. So we pulled the demolition of that facility out so that we could get the demolition done. Because we the Community Services Directorate understood and recognised that it needed to be a new facility for quite some time.

But by doing that demolition work we could then be in a position to start the construction work earlier because we were still doing design. So we did not have to wait, obviously, for the design of the new facility was complete before we then did some of the construction, you know, before we demolished the existing and then built the new.

So where we can influence the procurement approach, or the approach to delivery, that is why we try to do. That is our day job, so to speak. But they are broader policy objectives, and so the original part of that—I guess, part of that question around targets, community services—we will work with community services to set those targets, but they will be their targets, if you will, if that makes sense.

**MS BOOTH:** Thanks.

Yurauna. Major Projects Canberra will work with Lend Lease to reach 80 FIPP procurement targets of 10 per cent of trade cost under ...(indistinct)... [3.23.25] CIT project, how much does this mean for IPP? How is this progressing?

**Mr Webber:** In terms of Yurauna, I think the first nations led head contract, or a contractor with sufficient team members to get to a level in relation to, then the delivery of the Yurauna will be engaged to undertake the construction. But the construction work has not yet started on that project, of that part of the CIT project, it is in Bruce, so the new facility will go into Bruce. So I do not unfortunately have the current exact target percentage ...(indistinct)... [3.34.16] in terms of it, but all of our designated projects will meet that two per cent expenditure target or better it, is that sort of policy approach.

**Ms Doran:** So I might just clarify on that—

**Mr Webber:** Yes.

**Ms Doran:** —and Simon will help me with this.

So the CIT Woden project has been delivered in a number of stages. Package three, that you referred to is the build of the CIT campus at Woden, which is being undertaken by Lend Lease. And we do have targets, the 10 per cent target, in that space. Sorry Simon, you can help me.

Yurauna is package four, which is being built out at Bruce. And we are at a very early stage of just going into procurement for that one. So we do not have any targets established just yet for that.

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But the Lend Lease 10 per cent target, we are doing well there—

**Mr Webber:** Yes, we are. Sorry, yes.

Sorry, I hope that clarifies it. Back to the package four at Yurauna we have—we have had a design report undertaken by ...(indistinct)... [3.35.23] to help assist. And obviously we will—it is a very important centre for Aboriginal and Torres Strait Islander people, so we will continue to—in that engagement process and ensure that those design inputs continue to consult in relation to some of our reference groups as well that go through those projects.

**MS MCGRADY:** Thank you.

Common ground. Construction on the new common ground facility in Dickson in 2022, with a minimum two per cent ATSI participation rate by work hours. How many FTE does that equate to? And how are you holding the contractor to account to achieve these outcomes?

**Mr Webber:** I do not, unfortunately, I am sorry, have the number of FTE equivalent. I can look that up and get that back to you. But I can advise that we were around about five per cent participation. And I believe that is from an expenditure perspective. But I will clarify. So we are above the policy if you will—or I should say, sorry, the community services directorate are above the policy in that one. But we are pleased to be part of that, obviously, in terms of that. So it is about five per cent. But we will clarify that and confirm that.

**MS MCGRADY:** Yes, we can take that on notice as well.

**Mr Webber:** Yes.

**MS MCGRADY:** Thank you.

**MS BOOTH:** Okay. Thank you very much. I forgot what I was going to say.

**MS MCGRADY:** Thank you. Thanks, Member.

I think there is a lot of great stuff happening in this space. And I know, Member Keen, might have let me know of a few things happening, particularly with the hospital. So there is a lot happening. And it is an exciting space, is it not?

**Ms Doran:** Yes. I actually know a few young people that have been employed up there, and older people. So—

**MS MCGRADY:** Good.

**Ms Doran:** And there is a lot of little ways into that hospital program, so it has been pretty good to see.

**MS MCGRADY:** There is some really exciting artworks out there as well with—

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**MS CHIVERS:** And we have the presentation in relation to the Canberra Theatre Centre stuff as well. So it has been really great.

**Mr Webber:** I did not get to mention, I did mention the activity centres—so we have got—

**Ms Playford:** Talk to it quickly—

**Mr Webber:** We have got to have got about 20—yes, 20 people have gone through in that sense, 17 Aboriginal and Torres Strait Islanders and three women as well. So yes, that is really a good setup.

**THE CHAIR:** So thanks, Simon, Karen and Kylie, we appreciate it.

**The Elected Body adjourned at 3.38 pm.**



**ABORIGINAL AND TORRES STRAIT ISLANDER  
ELECTED BODY**

**TRANSCRIPT OF EVIDENCE**

**Members:**

**MS TANYA KEED (Chairperson)  
MS PAULA McGRADY (Deputy Chairperson)  
MS LYNNICE CHURCH  
MR MAURICE WALKER  
MR JACOB KEED  
MS JO CHIVERS**

**CANBERRA**

**MONDAY, 14 AUGUST 2023**



**APPEARANCES**

<b>ACT Health</b> .....	<b>56</b>
<b>Canberra Health Services</b> .....	<b>86</b>
<b>Canberra Institute of Technology</b> .....	<b>1</b>
<b>Chief Minister, Treasury and Economic Development Directorate</b> .....	<b>1</b>
<b>Environment, Planning and Sustainable Development Directorate</b> .....	<b>25</b>

## The Elected Body met at 9.30 am.

### Appearances:

Chief Minister, Treasury and Economic Development Directorate

Leigh, Ms Kathy, Head of Service and Director-General

Arthy, Ms Kareena, Deputy Director-General, Economic Development

Pryce, Mr David, Deputy Director-General, Access Canberra, and Registrar-General

Young, Mr Michael, Executive Group Manager, Work Safety Group

Mehrton, Mr Andrew, Executive Branch Manager, Social Policy Branch

Hocking, Mr Stuart, Under Treasurer

Campbell, Mr Russ, Deputy Under Treasurer

Mirzabegian, Ms Sanaz, Executive Group Manager, Procurement ACT

Wilson, Ms Janet, Executive Group Manager, Future Workforce Strategy Group

Canberra Institute of Technology

Andersen, Ms Josephine, Executive Director, Education Futures and Students

**THE CHAIR:** Good morning. My name is Tanya Keed, and I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I would like to open today's proceedings by respectfully acknowledging the Ngunnawal people as the traditional custodians of the land we are meeting on today, and also recognise any other people or families with connection to the lands of the ACT and region. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today.

I am joined by all members of the Elected Body, and I would now like to introduce them. Paula McGrady, the deputy chair, has the portfolios of Transport Canberra and City Services and ACT Health, and she is our representative on the Coalition of Peaks. Maurice Walker is the member with responsibility for the Education and Community Services portfolios. Jo Chivers is the member with responsibility for the Justice and Community Services portfolio. Deanne Booth is the member with responsibility for Major Projects Canberra.

I would also like to extend our respect and gratitude for a leader of our local community, Ngunnawal elder Aunty Agnes Shea. Aunty Agnes was a dynamic, compassionate leader, and spoke clearly on the need for reconciliation and healing in our community. Aunty Agnes has left an enormous legacy and will be missed.

As we start our 2023 hearings, I would like to pause and reflect that, in the 2020 hearings, we had an extensive discussion on the lack of timely, systemic response of the ACT government to racist drawings within the AMC. This was despite escalation of the issue within the government through the Human Rights Commission and concerted advocacy by local Aboriginal organisations. In two years, there has been no training or response on the ability to understand, identify or eliminate racism at the AMC. Three years later, that family and our community were dealt another tragedy. I would like to reflect and remember those from our community who have died in custody in circumstances that should have been avoided.

We would also like to acknowledge that a champion of systemic change inside the ACT government passed away unexpectedly a few weeks ago. We would like to extend our condolences to Dr Damian West's family, and everyone who worked with him. Damian was heading important work on the national and ACT agreement, and his absence will be felt. I would like to invite everyone to stand for a minute's silence.

*A minute's silence having been observed—*

**THE CHAIR:** Thank you. It is now our opportunity to hold the ACT government to account for the commitments and promises it has made to the ACT Aboriginal and Torres Strait Islander community. It is now four years through our 10-year ACT Aboriginal and Torres Strait Islander Agreement. We want to hear about the impact that changed outcomes are having within our community. We are not interested in a list of activities and intentions. We are interested in understanding progress on key commitments, and will be seeking to understand how this is the case and what is being done to remedy the lack of progress.

The National Agreement on Closing the Gap has been in place since 2020, and we are concerned by the lack of understanding that is demonstrated through the ACT annual report on closing the gap, and the misunderstanding of requirements for the National Agreement on Closing the Gap.

As a small jurisdiction with no remote areas, the ACT has a diverse and growing Aboriginal and Torres Strait Islander community. There are not significant barriers to closing the gap here, in contrast to other states and territories, yet the lack of progress against targets for the ACT, from our own agreement and the national agreement, means that it seems reluctant to change and slow to shift.

The Elected Body expects that all directorates are familiar with the following documents: the ACT Aboriginal and Torres Strait Islander Agreement 2019, the National Agreement on Closing the Gap 2020, the draft ACT annual report on closing the gap 2023, the ACT audit report on the implementation of the ACT agreement 2023, and the review of the National Agreement on Closing the Gap released by the Productivity Commissioner in 2023.

We also expect that every directorate knows and understands their responsibility for and commitments to these documents and is focused on changing the way we work in order to impact the change we need for our community. We will be asking every directorate questions on: the progress against specific commitments within the National Agreement on Closing the Gap and the ACT Aboriginal and Torres Strait Islander Agreement; access to and availability of services to the Aboriginal and Torres Strait Islander community, the level to which these services are funded and whether there is proportional funding in place; how we know about and understand the experience of Aboriginal and Torres Strait Islander people using those services, and the number and levels of employment of Aboriginal and Torres Strait Islander people, with an emphasis on leadership opportunities; embedding of the Indigenous procurement policy; specific progress against strategies or reviews such as justice reinvestment and the Our Booris, Our Way review; and recommendations from the last hearings regarding outcome areas of the agreement.

Director-General, could you please ensure that all of your witnesses acknowledge the witness statement for the record, at the start of their evidence. We will be asking every directorate to open with their understanding of the key areas and targets that they have responsibility for delivering across both the national and ACT Aboriginal and Torres Strait Islander Agreement.

I would like to invite Director-General Kathy Leigh to make an opening statement before we go to questions. Please limit your introductory comments to two minutes.

**Ms Leigh:** Thank you, Chair. I would like to commence by echoing your acknowledgement; and may I, as head of the ACT public service, also acknowledge the contribution that all of the Aboriginal and Torres Strait Island members of our public service make to the quality of our service. I always like to make that point.

Thank you for having us here today. I was not expecting to make an opening statement. We are aware of the priority areas that you have identified as being of particular relevance to our directorate. We have all of our senior staff here, ready to provide responses to the committee. I would mention in advance that, because of a couple of staffing matters, in a few areas we might want to take some additional aspects on notice, but I do not expect that to be a predominant issue. We are happy to proceed with answering your questions, Chair.

**THE CHAIR:** Priority reform 1—partnership and shared decision-making: Director-General, after the 2020 hearings, you identified six areas for all directorates to focus on. Those six themes were: systemic racism; cultural integrity; mandatory reporting; recruitment and retention; procurement; and support for ACCOs. We would like to understand how you have held directorates accountable for those six priorities over the last three years. How were directorates working with the community? We would like to understand how you held directorates accountable for those priorities over the last three years.

**Ms Leigh:** As you are aware, the directors-general are all engaged by me, as Head of Service. I therefore have performance agreements with each of the directors-general. There is a specific item in those performance agreements that goes to Aboriginal and Torres Strait Islander employment in the public service. That has a specific target attached to it for each directorate, and those targets are targets that are determined by looking at the past performance of that directorate and the opportunities for that directorate. They are not just an arbitrary, one-size-fits-all target. They are targets that are intended to be very meaningful for the particular directorate. Directorates which, given the nature of their roles and responsibilities, have more potential to engage Aboriginal and Torres Strait Islander staff have a higher target. It is a very meaningful target that is set.

In addition to that very specific target that is in the performance agreements of each of the directors-general, directors-general are all required to deliver the government's overarching priorities, which include, of course, both the Closing the Gap priorities and the Aboriginal and Torres Strait Islander Agreement, which I sign, along with the Chief Minister and the chair of the Elected Body.

**THE CHAIR:** Have the targets been met? If not, what have been the consequences?

**Ms Leigh:** When we have the follow-up discussions, we look at what has been done. My approach is very much to look at whether they have been addressed seriously: if a directorate is falling short of the targets we have set, what is being done about that? Why has it happened, and what is being done differently to improve that for the future? If they are being easily met then let us put it up higher next time. My approach is very much to go to, “Let’s get the outcome; let’s work out why it’s not happening and discuss what the concrete measures might be that could get us there.”

**THE CHAIR:** What about the other five priorities?

**Ms Leigh:** In terms of overall priorities, again, it is a discussion about meeting those priorities, and looking at what is being done. Those discussions will vary according to the particular directorate. Obviously, some directorates have a much higher level of responsibility. The Community Services Directorate has the lead across government on Aboriginal and Torres Strait Islander matters. Obviously, that directorate has a much larger proportion of its focus and responsibilities on those Closing the Gap targets. Those targets themselves relate to particular directorates.

**THE CHAIR:** How is the directorate working with community decision-making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community?

**Ms Leigh:** I would like to refer to one particular example, which I think is a great example. David Pryce can talk about the births, deaths and marriages work that we have done. It is a great example of not just working on the particular issue, but one where, true to the intent of Closing the Gap, the community have an active role.

**Mr Pryce:** I acknowledge the witness statement. Thank you for that question. The idea came up from the team as part of the work we did around reconciliation and improving outcomes for Aboriginal and Torres Strait Islander people, around our community access policy for Aboriginal and Torres Strait Islanders, in regard to births, deaths and marriages, particularly in accessing identity documents, as well as other information through that registry that we manage in Access Canberra.

The team worked closely with our Aboriginal and Torres Strait Islander community stakeholders, including the Elected Body, over some time to seek feedback and ideas on how we could simplify that policy and make access easier, as well as more culturally safe. I note that it is a challenge sometimes for people who do not have those documents or have had challenges in the past to engage with us on that.

There was a good 12 months of engagement, seeking feedback, as well as trialling, through a pilot program. We applied a new policy that simplified that process. To date, I do not have the stats before me because I was not expecting the exact question. We certainly implemented that new policy some time ago. I have not had any feedback from the team as to the policy not working or any other difficulties being identified. It is an example of where you need to look at existing policies, seek feedback from the community as to what is working and what is not, and then trial it. You should not be afraid to trial something and make adjustments where necessary.

With that one, from my perspective, there are two things. Firstly, it is important that we have addressed this because it has been a significant issue and it has been identified by the Elected Body in previous hearings. Secondly, it came from our people, our team members, within that team. It was an idea at the lower level and they have grabbed it and run with it. I am really pleased about that.

**THE CHAIR:** David, the question was about partnerships and agreement. Is it a formal partnership and how is it resourced? Let us go back to the question.

**Mr Pryce:** It is an Access Canberra policy. The partnership is that we engage with all of our Aboriginal and Torres Strait Islander community stakeholders, including the Elected Body. I wrote directly to each of them throughout the process. I think it was a couple of times as we were trialling it and then towards the end—

**THE CHAIR:** That is more consultation, not partnership, though.

**Ms Leigh:** The reason I particularly mentioned it is that, in terms of verifying identity, that is something that we look to the community to play a role in, rather than the government making that decision. That is why I thought it was a good example.

I agree that it is very specific, but I think it has made quite a difference. It is about partnership because it is about community making decisions that the government then implements, as opposed to the government taking the lead and making decisions.

**THE CHAIR:** How are they resourced to do that?

**Mr Pryce:** I have the resources within my births, deaths and marriages team. I am not sure whether your question is about the community resource.

**THE CHAIR:** Yes.

**Ms Leigh:** When members of the community are assisting to verify identity?

**THE CHAIR:** Yes.

**Ms Leigh:** Perhaps it is a narrow example. I appreciate that you had a much broader question. Probably the question about resourcing is more relevant to the broader question.

**THE CHAIR:** It is, yes. How many new formal partnerships by the directorate have been established since 2020?

**Ms Leigh:** How many new partnerships?

**THE CHAIR:** Yes.

**Ms Leigh:** In each of the areas, I do not think there are formal partnerships, as in written agreements or MOUs. In particular areas, we have worked very closely with the community to achieve outcomes. In terms of issues such as racism and recruitment,

Michael Young could talk about the initiatives we have taken there and how we have engaged on those, which go to the topic that you outlined originally.

**THE CHAIR:** How are they resourced?

**Mr Young:** I am acting in the role that has been vacated by Damian West. Thank you for your acknowledgement of Damian at the beginning.

**THE CHAIR:** Is the answer that there are still no partnerships; it has just all been consultation? We have limited time to ask these questions. We want to stick to the questions, and there is still no answer on partnerships. It has all been—

**Mr Young:** My responsibility is in the area of whole-of-government policies that are focusing on some of those priority action areas. They do not go specifically to the partnerships question.

**Ms Leigh:** Chair, in terms of the particular areas of responsibility that CMTEDD has, they are not in those priority areas like early childhood et cetera, where most obviously there would be partnerships. If you would like to guide me as to particular areas where you would expect to see partnerships, I might be able to assist more.

**THE CHAIR:** What were you going to say, Michael?

**Mr Young:** We deal with a range of whole-of-government strategies, policies and interventions, to promote Aboriginal and Torres Strait Islander recruitment. We are doing a range of things that go directly to supporting the work around eliminating systemic racism. Our area is also where the cultural transformation branch will be established. I can talk about any of the work that is going on in those areas. As I said, they do not go specifically to that partnerships matter.

**THE CHAIR:** How are they resourced?

**Mr Young:** I will turn to the cultural transformation branch. This is a new branch that is being established within the Office of Industrial Relations and Workforce Strategy. A new executive position has been established to head that branch. I expect that there will be at least four dedicated positions focused on the delivery of work in support of the Aboriginal and Torres Strait Islander programs. The budget for those is within the budget of the Office of Industrial Relations and Workforce Strategy.

**THE CHAIR:** What have they achieved?

**Mr Young:** The branch is yet to be established. Recruitment has been conducted. I expect that the identity of the successful person will be known in the very near future. I can talk about the work program that will shortly follow that establishment, if you like.

There are two immediate priorities for the cultural transformation branch. One will be for the new executive branch manager to meet and connect with Aboriginal and Torres Strait Islander staff across government, including, for example, the cultural advisers across government and within directorates, and the key policy areas such as the Office for Aboriginal and Torres Strait Islander Affairs in the Community Services Directorate,



the systemic racism working group, and with Aboriginal and Torres Strait Islander staff through Yarning Brew and the staff network, for example. The investment in forming those connections and relationships will be critical to build trust and to ensure that ATSI staff are listened to and their expertise and knowledge are incorporated in the design and implementation of the initiatives that will follow.

Alongside that, another key priority area for the CTB will be the development of a forward work program. That will be undertaken in reference to the agreed commitments under the Aboriginal and Torres Strait Islander—

**THE CHAIR:** Michael, when you address us, please say “Aboriginal and Torres Strait Islander staff”, not “ATSI staff”.

**Mr Young:** I beg your pardon.

**THE CHAIR:** We are four years in. We want to know what has been achieved and what is in the future.

**Ms Leigh:** The initiatives that Michael is referring to go particularly to priority area 3, and they are something that I feel are a concrete commitment that the ACT public service has made. Some years ago, I created a cultural adviser position for CMTEDD. With the success of that role, I have recently created a whole-of-government cultural adviser position, in addition to maintaining—

**THE CHAIR:** Kathy, can we get to that? We are still sitting on priority reform 1.

**Ms Leigh:** Sorry; it related to what Michael was saying.

**THE CHAIR:** Yes. Can we get back to the question that was asked? Is this information publicly available?

**Mr Young:** With the information about the full work program of the branch, we can certainly provide that information on notice. We will continually update the Elected Body, as that work program commences.

**THE CHAIR:** Thanks. Provide three examples of where you have shared decision-making with the community against the ACT government. How was this decision-making formalised?

**Ms Leigh:** The areas that would be most relevant to CMTEDD—as I said, we do not have direct responsibility for the large subject areas of focus—would relate to arts. Ms Arthy might be able to talk about the work that has been done in relation to Yarramundi Reach and the arts program. In relation to Yarramundi Reach, that has not had a lot of progress in recent years, and there are a few reasons for that. In terms of areas where CMTEDD could be looked to, to engage directly with the community, the arts area is a line responsibility. We hope you would appreciate that CMTEDD does not have a lot of line responsibility. That is one of them, and that is one that is directly relevant to the question you are asking.

**THE CHAIR:** To what level was it funded?

**Ms Leigh:** Our property group run Yarramundi Reach. We have the actual engagement with the gallery and the support.

**Ms Arthy:** I acknowledge that I have read and understood the witness statement. There are a couple of elements to this. With Yarramundi Reach, we have been working with the Community Services Directorate for a number of years around what we could do to transform that precinct. I have multiple hats; I have tourism, arts and also business and innovation.

We were working initially to look at how we could convert Yarramundi into more of a tourist destination. However, as the work proceeded with the Community Services Directorate in the lead, I believe now we have put that on the backburner a little bit while further consultation with the community happens in relation to governance and future aspirations. My team, particularly regarding the arts and tourism, are waiting for the direction of the Community Services Directorate. I am sure they will be able to talk to you more about where that is up to.

In general, we have a very strong program when it comes to arts in particular, and we have a ministerial advisory committee. We also have released for the first time in several years—

**THE CHAIR:** Yarramundi Reach is now office space for an organisation. How was the change in purpose decided?

**Ms Arthy:** Property group might be able to help you, or the Community Services Directorate.

**THE CHAIR:** Yarramundi Reach has no operational funding—no long-term commitment to a cultural activities program.

**Ms Arthy:** Again, that question would probably be better for the Community Services Directorate. The property group administers the actual renting of the building. Our area is about how we can work with the Community Services Directorate to maximise any economic outcome there might be. That is where we come in. That would be whether it is a tourism or an arts outcome.

**THE CHAIR:** We will move on to priority reform 2—building the ACCOs sector, and engagement with ACCOs. How many local ACT-based ACCOs have you worked with in the last two years?

**Ms Leigh:** As I explained, Chair, the scope of responsibility of CMTEDD is less directly relevant to the areas where one would have that engagement. It is not something that CMTEDD is particularly engaged on.

**THE CHAIR:** There is no partnership, or agreements? If not, we will move on.

**Ms Leigh:** No.

**THE CHAIR:** What about your grants programs?

**Ms Leigh:** We do not have grants programs, except in the business and arts area.

**Mr Mehrton:** I cannot speak to the business grants but we do, as part of the Office for LGBTIQ+ Affairs, which is in my branch, have a grants program which has operated with a budget of \$100,000 per year, although at the moment we have an increased budget of \$350,000 for the next two years.

We have, through that program and through our work with the Ministerial Advisory Council on LGBTIQ+ Affairs, made efforts to engage where we can with the Aboriginal and Torres Strait Islander community, including—

**THE CHAIR:** Which ACCOs do you work with?

**Mr Mehrton:** Sorry; no ACCOs through that program. I was speaking to the grants more broadly.

**THE CHAIR:** With respect to helping existing ACCOs to grow in size or grow services, you have not worked with any of them, so you would not be able to answer any of the questions. How are you progressing with transition of services to Aboriginal community-controlled organisations? That is something you cannot answer as well.

**Ms Leigh:** I think it is hard to follow through on that line, yes.

**THE CHAIR:** How is the funding of ACCOs being prioritised in budget?

**Mr Hocking:** I acknowledge and have read the witness statement. There is a range of initiatives for existing ACCOs. Through the budget process, Treasury would be involved. They are really the responsibility of the directorates that deal directly with the ACCOs, in Health et cetera. There would be a range of budget initiatives that you would have seen in recent budgets. Treasury's role is to assist cabinet to make decisions about those things. The policy issues come up through the Community Services Directorate and the Health Directorate, in relation to those.

**THE CHAIR:** The next question will be about the Indigenous procurement policy. What is the number and value of contracts that you have that support the Indigenous procurement policy?

**Ms Mirzabegian:** I have read and acknowledge the witness statement. Thank you for that question. I need to refer to my notes to give you the answer. At the moment, across the territory we have just over \$8 million in expenditure in our contracts and those are across 111 Aboriginal and Torres Strait Islander enterprises. That is how we refer to Aboriginal and Torres Strait Islander businesses.

**THE CHAIR:** What are the requirements in contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander people?

**Ms Mirzabegian:** Each contract is treated differently. We link it to our other policies. We have had procurement values since 2020. One of the procurement values is Aboriginal and Torres Strait Islander economic development. The way that it works is

that, with each procurement, the relevant agency procuring will have to choose a particular value. Where they choose an Aboriginal and Torres Strait Islander economic development value, we will work with the agencies to understand what they would like to put in it. We do not have a one-size-fits-all approach to that.

**THE CHAIR:** In relation to mainstream organisations, what are the specific requirements that those organisations must have, such as guaranteed access to services in the community?

**Ms Mirzabegian:** That is one of them. The other ones that I have seen would be things like how many Aboriginal and Torres Strait Islander trainees they have in the contract. Sometimes the requirement is for the businesses to engage a certain number of Aboriginal and Torres Strait Islander employees. It depends on what makes sense for that particular procurement and whether that industry is developed or is developing.

**THE CHAIR:** Can you give an example of where business procurement has been achieved? How are those outcomes measured? And what happens when they do not do it?

**Ms Mirzabegian:** I do not run the procurements, so I cannot really tell you what happens when they do not do that, but I can tell you about what occurs with any contract management. The contract manager would have to initially have a discussion with the business and understand why they are not meeting their requirements. Generally, in our contracts there is a provision that requires them to remedy the things that they have not done. If they cannot fix it, we would raise what we call a breach of contract, which would then have consequences. Generally, we try to work with the business to make sure that they are meeting them, rather than trying to punish them.

**THE CHAIR:** Do you have a whole-of-government report on this?

**Ms Mirzabegian:** No. We do not have a whole-of-government report at the moment.

**THE CHAIR:** What are the requirements that the organisations must have to Aboriginal and Torres Strait Islander staff in the organisations?

**Ms Mirzabegian:** At the moment, we do not have specific requirements that apply across the board. If a business is using the Aboriginal and Torres Strait Islander economic development value, we will work with that business to understand what that means for that particular business. We do not have that, as I said—fortunately in some cases, because we do not want to kind of push the businesses to fail; we want them to do what makes sense for their community and for their workers.

**THE CHAIR:** Are they represented on the board?

**Ms Mirzabegian:** Sorry—which board are we talking about?

**THE CHAIR:** Are the staff in the organisation represented on the board—the mainstream—

**Ms Mirzabegian:** On the Government Procurement Board?

**THE CHAIR:** Yes.

**Ms Mirzabegian:** We do not have any membership of Aboriginal and Torres Strait Islander people on the Government Procurement Board at the moment.

**THE CHAIR:** How are you engaging with Aboriginal and Torres Strait Islander businesses?

**Ms Mirzabegian:** We engage in a number of different ways. We have trialled and implemented a few things. We have meet-the-seller events where we ask the Aboriginal and Torres Strait Islander businesses in the Canberra region to nominate whether they would like to come and present to the government buyers. During COVID, we did that remotely or through video conferencing. Every business gets a chance to prepare a presentation, however they want. Some do PowerPoint, some do videos and some do other things. They come and present the goods or services that they can sell to us and then the buyers—that is us—can ask them the questions that they want to ask. It is basically a promotional thing.

I have run a session for Aboriginal and Torres Strait Islander businesses where we take them through a tender process—what it means to tender with the ACT government. We did a page-turn on the different things that are in our request-for-tender documents and we give them tips and tricks on what they have to put in their tender documents to be successful. We have turned that module into an e-learning product. It is a video that they can access and look at. We have also provided a number of other training programs to help people register with Tenders ACT. If you have a business, you can register and you can pick the different things that you are interested in, and then you get a notification when those items go to tender. We are doing that as well. We are finding that is useful because it means that somebody does not have to check our website every day to figure out what is coming up.

**THE CHAIR:** How many contracts have you entered into with Aboriginal and Torres Strait Islander businesses?

**Ms Mirzabegian:** I did say. We have had 111.

**THE CHAIR:** You did say that. As a percentage of spending, how much is spent on Aboriginal and Torres Strait Islander businesses?

**Ms Mirzabegian:** In 2019-20, when the Aboriginal and Torres Strait Islander procurement policy was first implemented, we had a target of one per cent and we spent 1.52 per cent of our addressable spend. In the financial year 2020-21, our target was 1.5 per cent and we spent two per cent. In 2021-22, our target was two per cent and we spent 2.76 per cent. In 2022-23, the target was still two per cent and, so far, we are still very fine, but it is at 0.67 per cent. It has come down, but we have not quite analysed the data to understand why it has come down.

**THE CHAIR:** Thank you. We will move on to Priority Reform 3—transforming government organisations in the ACT agreement. How is your directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of your

core business?

**Ms Leigh:** In relation to Priority Reform 3?

**THE CHAIR:** Yes.

**Ms Leigh:** This brings us to the issues that Michael and I were talking about earlier about strengthening the ability of the public service. As I mentioned, we have built on the original CMTEDD cultural advisor role and created a whole-of-government cultural advisor role and the Cultural Transformation Branch. In the structure of the ACT public service responsible for whole-of-government strategic workforce matters we have embedded a branch which has responsibility for cultural transformation. We are finalising, as Mr Young said, the recruitment to that area at the moment. Then it is a matter of settling the work program and getting that work underway.

There will be at least four staff allocated to the SES position. The SES position is an identified SES position, which I think goes to the significance and importance of the role, and it also makes a statement about where we are looking to head in our service. We are still in the early days about what we can achieve with that, but I think taking that step is a really significant commitment.

**THE CHAIR:** How do you work with other directorates implementing an agreement?

**Ms Leigh:** Through a whole range of processes. Where it is the responsibility of the Office of Industrial Relations and Workplace Strategy, that is a whole-of-service responsibility, working through various committees and meetings directly with the directors-general. The head of that area, even though they are a deputy director-general, attends the strategic board. Part of that responsibility is raising issues for the strategic board so that all the directors-general are personally committed to the outcomes. It is also about working through our corporate heads and the network. Mr Wright leads a network across the service at the head-of-corporate level to again discuss what can actually be done on the ground and what is being done.

**THE CHAIR:** Thanks, Kathy. Systemic racism. What have you done to review your legislation, policies and processes to identify and remove systemic racism?

**Ms Leigh:** The most important thing that we have done is implement the roles that I have just mentioned. The cultural advisor for CMTEDD has, for a few years, run Yarning Brew, which is about supporting our Aboriginal and Torres Strait Islander staff. I realise that is about supporting them as opposed to the behaviour of others, but I think it is an important step in supporting the staff to be able to call out concerns they have. I was privileged to be invited along to one of those sessions, and other senior leaders have been invited. That is also an opportunity to hear directly the personal stories from people and to really understand what it means for people's day to day working lives.

We have also looked at developing a whole-of-government racism policy. That work is still ongoing. It has taken longer than we would have hoped. There is a cross-government working group undertaking that work. Mr Young could probably give you more details on that.



**THE CHAIR:** What issues have been identified, Michael?

**Mr Young:** An important part of the work that we are doing in support of that priority reform area is systematically identifying and understanding the experience of Aboriginal and Torres Strait Islander staff. One of the key tools that we use to do that is the whole-of-government staff survey, which was recently run for the second time in its current format. It has provided some really valuable insights which will inform those legislative and policy review actions that you mentioned. If you would like us to talk a little bit about those—

**THE CHAIR:** This goes beyond behaviour; it is about systemic discrimination. Can you give me one example of a systemic issue you are addressing anywhere in the ACT government that is not about HR?

**Mr Young:** Not about HR?

**THE CHAIR:** Yes.

**Ms Leigh:** Mr Young's remit is HR. We would probably need to look elsewhere to respond to that question.

**THE CHAIR:** Yes, please.

**Ms Leigh:** Again, this takes me back to my responsibilities as head of service, engaging with directors-general, and our whole-of-government responsibilities. I would need to look at each of those to give a sensible answer to that question. Many of those are about the whole-of-government strategic workforce. The Treasury support the government on the budget. One of the things that the government now does is provide an Aboriginal and Torres Strait Islander expenditure statement to the budget which looks at the proportion of money spent. Earlier, Ms Mirzabegian gave some detail about procurement. There is detail in the statement about the improvement in procurement and grants. Providing the dollar analysis that the Treasury does helps government to see whether there is, in fact, systemic racism because the outcomes are disproportionate. They are the two things that are most obvious to me in terms of the roles and responsibilities of CMTEDD.

**THE CHAIR:** What legislation and policies have been reviewed and amended to address systemic racism?

**Ms Leigh:** The policies mainly go back to HR policies and the work that is being done on a framework.

**THE CHAIR:** Okay. Racism. How has CMTEDD supported Aboriginal and Torres Strait Islander employees across the ACT public service to reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander people in government systems by 80 per cent by 2028?

**Ms Leigh:** We have a number of roles that relate to support and respect for all our staff who are relevant to this. I do not like to repeat myself, but I think the most important thing we have done is create the cultural advisor roles and the Cultural Transformation



Branch, and there is the work that has already been done by our cultural advisors. The person who was the CMTEDD cultural advisor, who is now the whole-of-government cultural advisor, has been very active for a number of years in providing that support to our Aboriginal and Torres Strait Islander staff and has always had a direct capacity to come and meet with me. He has done that whenever he has seen an issue that he thinks I should be aware of. I have tried to then act on those issues and put concrete measures in place.

I think that is the most significant thing we have done, because it is far-reaching. It supports all our staff. It enables support that is welcoming for the staff and comfortable for the staff. They can seek support, not only from each other but from an SES Aboriginal member of our service who can, both through their level of seniority and through their own experience, provide support to staff and has a reach to me to raise any issues that I need to take action on.

**MR WALKER:** Thinking about the cultural load that is expected and the way you have answered the last few questions about the cultural team that you are intending to employ, I am worried about the cultural load that is going to be on the person's shoulders. It seems that there is going to be a lot of dependence on that person. Hopefully there will be some sort of partnership with other people, like you, Michael, who will assist in that process.

**Ms Leigh:** What I would say to that is that, first of all, you are absolutely right that this is a branch head level sitting in the senior leadership structure, having the support of other senior leaders and reporting to people who will be able to provide support to those roles. I think every Aboriginal and Torres Strait Islander member of our service carries a certain cultural load and, perhaps by actually creating named roles, we are not asking people to do it on the side as part of their day-to-day activities; we are saying, "This is your full-time role." I hope that goes some way to providing that support and acknowledging that issue.

**MR WALKER:** You will be involved in that, will you not?

**Ms Leigh:** Absolutely.

**Mr Young:** I think it is important to add that the branch is part of a broader puzzle. It will bring together a suite of resources. It will spend time mapping out and engaging with the existing Yarning Brew networks and cultural advisors—the work that is being done to support recruitment practices at the entry and advanced levels. So, while it will be a significant focus area and a demanding role, it needs to be considered as a part of a total network. It is only one piece of that.

**THE CHAIR:** We are four years into the progress. It has been very slow.

**Ms Leigh:** It has been. I will not deny that. It has not been for lack of will and commitment. I know it sounds like an excuse, but COVID was very real. It took resources away from so many things and impacted on the capacity to get people together to resolve issues. But, despite all that, we are still very determined to keep moving forward.

**MS McGRADY:** It is a great initiative to have this cultural adviser role at that level. The responsibility of racism should not come from Aboriginal and Torres Strait Islander people; it needs to come from above and filter down. It needs to come from non-Indigenous people in the organisations, because this responsibility is too much for us to be responsible for—to complement that role and the position to advise. Again, we do not want to overload our community by being responsible for everything racial. It is a lot easier, from a personal perspective, to take criticism of whatever, but, when you attack a person's identity—I think I could speak for all of us—it affects us quite meaningfully and obviously not in a good way. It has to be led from the top down. I reiterate Member Walker's comment about the responsibility—the cultural load, the cultural responsibility. It cannot be left to a group of people, but that is a good step.

**Ms Leigh:** I certainly hope it is not seen as being left up to those people. I personally have a very strong commitment to move forward.

**MS McGRADY:** Good. Thank you.

**Ms Leigh:** And, while creating them is something that I think is an achievement that takes us forward, it is not something that I see as abrogating my responsibility to continue to show a leadership role and make a difference.

**MS McGRADY:** Thank you, Kathy. I think the Elected Body would be really grateful to hear updates, other than in hearings, about how racism in this space is happening. It is a question I will bring up. I think we will all bring it up in all directorates, because we really need to get rid of this.

**Ms Leigh:** I can tell you already that they are small things, but, after you and Pat Turner came to cabinet, there were a number of very practical things that were listed at one point. I have already asked for them to be brought to our strategic board because they seem to be such practical things that can make a difference. That is just one example of how I take this very seriously.

**MS McGRADY:** Thank you.

**THE CHAIR:** Kathy Leigh, one thing for me, being an Aboriginal worker in the workforce, is that it is not easy for us to just to get up and go to work in the morning; it is a process for us as Aboriginal and Torres Strait Islander people. I look at it like: what am I going to face today? I look at that every day. It is like my anxiety goes through the roof. I cannot imagine what it is like for any new employees going into the workforce with government and making sure that the cultural transformation is set up for them. It was not back in my day. I really struggled with getting up in the morning, because it was a process. It is not just about getting up, getting out of the shower, getting dressed, brushing your teeth and having breakfast; it is about the anxiety when I get there and what I am going to face that day—how am I going to do this; how am I going to do that? I really struggled. I just thought I would chuck that in.

Let us move on to the workforce. We understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as part of improving services to the community. There continue to be concerns raised across the community that some staff are not recognised, accepted or connected to our local community. How do you

ensure these people meet the definition of being an Aboriginal or Torres Strait Islander person?

**Ms Leigh:** People who apply for identified positions?

**THE CHAIR:** Yes.

**Ms Leigh:** That is always a complex issue, is it not? It would be impossible for me to be the one to make that decision. That is a matter for community. The only thing I could say is that, if concerns were raised, then obviously we would engage on those. Beyond that, I would take your guidance on any appropriate steps that should be taken.

**THE CHAIR:** How do you make sure they have the lived experience and connection with the community that is critical to their ability to engage with and deliver outcomes to the Aboriginal and Torres Strait Islander community?

**Ms Leigh:** The only thing I can point to is that, for all our appointments, we have a proper selection process which goes to who the best person is for the particular role. Obviously, when we are looking at a position that is intended to be an identified position that is chosen so that the person is able to provide those insights, then that is going to be a key factor in selecting who the best person for that role is.

**THE CHAIR:** How do you track compliance with the process?

**Ms Leigh:** With the identified roles?

**THE CHAIR:** Yes.

**Ms Leigh:** If the position is an identified position, then normally that is the end of the issue. That is the scope of who can apply. I am aware that there have been some occasions—not to my knowledge in CMTEDD but across the service—where there has been some difficulty, so a temporary appointment had been made so that the work would not completely stall. There was some sensitivity about that, but it was done with the best intention to minimise disruption of work.

**THE CHAIR:** How have these roles and their responsibilities been communicated to the community?

**Ms Leigh:** The creation of the identified roles?

**THE CHAIR:** Yes.

**Ms Leigh:** For each individual role, it would depend on the role and how we have publicly advertised that role. Certainly, all those roles are advertised publicly. They are open externally, unless they are a short-term filling. It would depend on the particular role and the area, thinking about where people who would be best for the role might be—how they would then publicise it beyond the normal job vacancy approaches.

**THE CHAIR:** How do you ensure that the advice that they give is culturally appropriate?

**Ms Leigh:** Again, I think that is a complex question, is it not? It will vary across the particular roles. I would expect the role to have clear definitions before it was advertised, which would provide guidance as to what was expected from the person in the role. I would expect that, if there were concerns, they would be raised and taken seriously and looked at by the relevant senior executive or director-general.

**THE CHAIR:** Who in the panel is able to assess it?

**Ms Leigh:** On the selection panel itself?

**THE CHAIR:** Yes—the recruitment panel.

**Ms Leigh:** Again, that is going to vary according to the role. There is not one answer to that question.

**MS McGRADY:** To expand on the question about recruitment panels: has there been an Aboriginal or Torres Strait Islander person, independent of government, been part of the panel to help with any assessments?

**Ms Leigh:** I am not aware of particular cases where that has been the case, but it is not something that I am averse to looking at if that is something that is considered useful to look at.

**MS McGRADY:** I think it is. Thank you.

**THE CHAIR:** How does the ACT government train and ensure cultural cognition by ACT government employees?

**Ms Leigh:** I will ask Mr Young to talk about some of the training we have and, also, Mr Wright could talk about CMTEDD, because we have two hats here: we have whole of government plus we have what we are doing internally for CMTEDD.

**Mr Young:** I will ask Janet Wilson to speak about some of the whole-of-government initiatives that are going on in terms of training. There are multiple adjustments that we have made to our own recruitment induction practices as well as broader cultural training.

**Ms Wilson:** Thank you, Michael. I have read and endorse the witness statement. My remit looks after the training for whole of government as well as the Cultural Transformation Branch. One of the key initiatives we have put in place over the last few years, in addition to the work that is being done within directorates—because directorates provide a lot of training in-house as well—is implementing inclusion training more broadly. It includes unconscious bias training, which speaks to some of the challenges we have with systemic racism, as you were talking about recently.

Over the last little while, we have had 4,823 modules completed of that inclusion training. That is across a range of subjects, but it really is about broadly lifting inclusion ability within the service, making sure that people are having respectful conversations, understanding different people's point of view, and generally creating a culture of

inclusion in the ACT public service. That is probably the key one.

Some of the leadership work that we do is very focused on understanding systemic challenges across something like the large and complex public service that we have. That includes being able to really listen to each other's points of view, asking respectful but challenging questions of each other, and looking at things in the context of today's world and where we are heading as a service. It fundamentally goes to some of the challenges that we have across the service and in the community more broadly. Those are just a couple of examples.

**THE CHAIR:** Thank you. Is the content designed and delivered by local Aboriginal and Torres Strait Islander people or organisations?

**Ms Wilson:** The content for the inclusion programs is in an online program, specifically the whole-of-government one which was developed by SBS, the broadcasting corporation. They included consultation with First Nations people in the development of that. Within directorates, we have a number of programs like unconscious bias training that is delivered face to face. My colleague Robert Wright would probably be better placed to talk about that specifically, but it is delivered by First Nations people.

**THE CHAIR:** We have a range of questions on notice as we have a lot more workforce questions, but we are going to move on to the budget now, if that is okay.

**Ms Leigh:** Did you want to hear about training in relation to CMTEDD?

**THE CHAIR:** I am just conscious of time. We can put that on notice.

**Ms Leigh:** Okay. Thank you.

**THE CHAIR:** Yes; thank you. How do the budget and cabinet inform themselves of the impact of policies, projects and programs on the wellbeing of Aboriginal and Torres Strait Islander people in the ACT?

**Mr Campbell:** I acknowledge the witness statement. As part of the budget there is quite a dedicated process of gathering information and priorities around some of the areas of focus that we would be looking at for the Aboriginal and Torres Strait Islander community. That is quite a bespoke, single, one-on-one consultation. We also now provide, on the other side of the budget, an outline of how the process is played out and which particular programs moneys are being spent in.

Another really key part of informing cabinet and the process for decision-making is using the Wellbeing Framework as part of our budget business cases. Quite an extensive piece of work goes on there. There is a larger amount of consultation around directorates for each of their particular proposals about what the impacts might be on particular groups, including Aboriginals and Torres Strait Islanders, and specifically areas where there is a dedicated focus. A good example would be the Winnunga Nimmityjah Aboriginal Health and Community Services project in the Watson precinct. It is things like that, where there is a very specific targeted approach and where we will dive even deeper as part of that feeding-in process to make sure we have covered all bits and pieces.

The other part of the process is that there is an expectation, within the directorates, of review and management of the programs. Are they effective? Are they meeting needs? That is a broader question around the evaluation of programs generally. But there is an expectation, particularly in this area, when we have an agreement in place, that we look very carefully at the success of those.

**THE CHAIR:** How much of the Watson project funding is actually for Winnunga?

**Mr Campbell:** It is \$17.4 million for that. I think it is about a \$50 million total spend for that whole precinct. Of that, it is \$17.4 million.

**THE CHAIR:** \$17.4 to Winnunga?

**Mr Campbell:** Yes.

**THE CHAIR:** How do you look for outcomes for our community from submissions, not just specific measures? How do you use the outcomes framework from our agreement?

**Mr Campbell:** As part of the business case development there will be an expectation that there has been some sort of mapping against those.

**THE CHAIR:** Okay.

**Mr Campbell:** Beyond that, we have the additional opportunity to get written submissions from different community groups about areas of focus. They are probably the main ones. It is part of the wellbeing business case development.

**THE CHAIR:** Thanks for that. Can you provide the number of Aboriginal and Torres Strait Islander people who have accessed assistance through the Indigenous sports program in the ACT administered out of Wreck Bay?

**Ms Leigh:** Ms Arthy will speak to that.

**Ms Arthy:** The sports grants program is actually a commonwealth government program, so we have no knowledge or oversight of how many grants have been administered or even how it is administered. The commonwealth made the decision back in 2019 that the ACT government would no longer administer it. They preferred an Aboriginal and Torres Strait Islander organisation, and responsibility was transferred to Wreck Bay. I have no further information since we handed over administration.

**THE CHAIR:** What funding has been provided, and to whom, for Indigenous sports participation?

**Ms Arthy:** I would have to take that one away because we fund sport by sport. We would have to go and talk to each sport about things that they do in particular. That would take a fair bit of time for us to pull together. But I am happy to take that—

**MS McGRADY:** On notice.



**THE CHAIR:** Thank you.

**Ms Arthy:** It will not be a quick answer, unfortunately.

**THE CHAIR:** Yes. What accountabilities are associated with the funding?

**Ms Arthy:** Funding to all the sports is managed by contract in the usual way, to deliver outcomes in relation to whatever grant program it relates to. As I said, we would have to go nearly sport by sport to look at the Aboriginal and Torres Strait Islander aspects of it. That will not be an easy task, but we are happy to have a go.

**THE CHAIR:** Do you require sports to show how they deal with racism as part of your grants?

**Ms Arthy:** The head of Sport and Recreation is sitting next door. Unless she texts me to say otherwise, I can say that funded organisations are required to have RAPS in place or to be committed to develop one. Every time we fund, that is how we manage our relationships there.

**THE CHAIR:** Thank you. Regarding Canberra Institute of Technology, provide an update against the national agreement to have 65 per cent of Aboriginal and Torres Strait Islander—

**Ms Leigh:** I beg your pardon, Chair. I am just waiting for the CIT.

**Ms Arthy:** I can start with this one.

**THE CHAIR:** Okay.

**Ms Leigh:** Okay. Thank you.

**THE CHAIR:** Provide an update against the national agreement target to have 65 per cent of Aboriginal and Torres Strait Islander youth aged 15-24 in employment, education or training by 2028. At the last hearings this was at 78 per cent. How is it tracking in 2023, and every year since?

**Ms Arthy:** This particular measure is made up of a lot of different components. I believe Mr Mehrton might have the composite number, because it is more than just vocational education and training. We and CIT are responsible for the vocational education and training elements. There are a lot of statistics when it comes to training. Previously we have provided the board with a report that summarises everything. I am very happy to provide that again so that you have got that on record, rather than having to furiously take notes now.

**MS McGRADY:** Thank you.

**THE CHAIR:** Thank you. Provide an update against the national agreement target of 47 per cent of Aboriginal and Torres Strait Islander people aged 20-64 having completed certificate III or above, including higher education, by 2028. How are you



going to close this gap?

**Ms Arthy:** Again, this is a composite. These statistics are quite difficult to compile because it relates to universities as well as vocational education and training. What we can talk about, and what we can provide you in the report, is that when it comes to the vocational education and training elements the ACT is performing quite well in that. When it comes to Aboriginal and Torres Strait Islander peoples who are employed after receiving training, the ACT is significantly higher than every other state and the national average. Also, in comparison with the non-Aboriginal and Torres Strait Islander community, the participation rates are quite high. I apologise; my device has just frozen on me and I cannot actually read the numbers. I believe that in vocational education and training the participation rate for 15 to 64-year-olds is 13.8, off the top of my head. I will provide that in the update.

**MS McGRADY:** Thank you.

**MR WALKER:** Just a reminder to the directorate: these targets have been part of the agreement and they should be reported on every year. Those numbers should be accessible.

**Ms Arthy:** Yes. For me, it is just that the area I am responsible for is around the vocational education and training element of that. I am not across how that comes together.

**Ms Leigh:** I can say that, at this moment, the government is in the process of pulling together the data for this year's report.

**MR WALKER:** Thank you.

**THE CHAIR:** For the women in trades program, can you tell us how many Aboriginal and Torres Strait Islander women participated?

**Ms Arthy:** I would have to take that on notice. I do not have that degree of information here with me. We administered that through a third party. I do not know whether that third party will have recorded that level of information, but we will investigate and see what information we do have.

**THE CHAIR:** What were the strategies to attract and promote this opportunity to the local community?

**Ms Arthy:** For women in trades in particular?

**THE CHAIR:** For women, yes.

**Ms Arthy:** We will have to work with the organisation who ran that. Again, we will provide that information.

**THE CHAIR:** Thank you. How many Aboriginal and Torres Strait Islander students are accessing the ASBA?

**Ms Arthy:** I will provide that in the update that we were talking about. All I have here at the moment is that 92 per cent of First Nations ASBAs were employed afterwards. My apologies. If you want to go to the next question, I know I have got it somewhere in my pack. I can provide it as we go.

**THE CHAIR:** Okay. How many of your other programs, excluding Yurauna, contain Aboriginal and Torres Strait Islander content?

**Ms Arthy:** This one I will need to refer to CIT because I am part of the department. I will refer that and I will find the information around the ASBAs for you.

**THE CHAIR:** How have Yurauna staff and community been engaged in the relocation of Yurauna?

**Ms Andersen:** I will answer the other one.

**THE CHAIR:** Okay; you answer the other question.

**Ms Andersen:** I have read and understood the witness statement. I understand your question was about how we are embedding Aboriginal and Torres Strait Islander perspectives across the board at CIT. There are a number of ways we are doing that. We are very committed to celebrating Reconciliation Week at all campuses. To that end, each campus has a welcome to country ceremony and a smoking ceremony. We hold yarning circles during the day and engage all staff and students in those activities.

We are also really committed to embedding Aboriginal and Torres Strait Islander perspectives across the curriculum. For example, we run a year 12 program, and we are required by the Board of Senior Secondary Studies to ensure that all the subjects we deliver have those Aboriginal and Torres Strait Islander cross-cultural perspectives embedded in delivery. We also use every opportunity we can. For example, in our creative entertainment and design industry courses we work with students to make sure that we are embedding different perspectives in exhibition pieces, artistic creations and productions. We invite guest speakers to ensure that students are hearing firsthand from Indigenous artists, but also to upskills our teachers to ensure that no opportunities are missed.

**THE CHAIR:** Thank you. How have Yurauna staff and community been engaged in the relocation of Yurauna?

**Ms Andersen:** Major Projects Canberra would have some more information on this topic. I understand that there is a procurement out at the moment for design consultancy services. That closed on 22 June. Those proposals are currently being evaluated. I also understand that, from inception, the community has been involved in the design and scope of what Yurauna at Bruce should be, in terms of its function and structure.

**THE CHAIR:** How will Indigenous students at CIT in Woden be supported?

**Ms Andersen:** Indigenous students at CIT in Woden will be supported in the same way that all of our First Nations students are supported. You are aware of CIT Yurauna, who provide particular support. We also have Yurauna providing outreach across the whole

of the institute and working with our student services team to ensure that all our First Nations students are as supported as they can be through their studies.

**THE CHAIR:** How many students transition from CIT programs to tertiary education?

**Ms Andersen:** I would not have that information. I can take that one on notice.

**THE CHAIR:** Thank you. Can you provide the attainment levels and completion rates for Aboriginal and Torres Strait Islander people where funding was provided under the Australian Apprenticeships and Skilled Capital programs?

**Ms Andersen:** Sure. I do not have the data with me in relation to Australian Apprenticeships. I do have information on how many school-based apprentices have been through CIT. Over the last five years we have trained 57 school-based apprentices. Notably, there are 26 enrolments this year. We have seen quite a sharp increase over the last five years, which is really fantastic. The top three qualifications our school-based apprentices have studied are the Certificate III in Allied Health Assistance, the Certificate III in Plumbing, and the Certificate III in Landscape Construction.

I think the second part of your question was about Skilled Capital. The numbers for Skilled Capital have declined. There has been variation in the rollout of Skilled Capital. The most recent program providing fee-free vocational education and training is fee-free TAFE. Over the last five years 52 students have been enrolled in Skilled Capital programs. Those programs would sit outside the programs that are studied by our First Nations students at Yurauna.

**THE CHAIR:** What has been the conversion to employment outcomes post training?

**Ms Andersen:** That one I will have to take on notice. That is not part of the dataset that CIT would necessarily have, but we will work with our colleagues in Skills Canberra to provide that information.

**MS CHIVERS:** I have a specific question in relation to community-controlled facilities. Can you please provide an update on the transition of Boomanulla Oval to community control, as per the ACT agreement?

**Ms Leigh:** That would be better directed to CSD and TCCS, because they have the responsibilities in relation to that project.

**THE CHAIR:** That concludes the questions for today. Thank you for your attendance. We look forward to receiving your responses to the questions taken on notice.

**Ms Leigh:** Thank you very much.

**Hearing suspended from 10.47 to 10.59 am.**

Appearances:

Environment, Planning and Sustainable Development Directorate

Ponton, Mr Ben, Director-General

Burkevics, Mr Bren, Executive Group Manager, Environment, Heritage and Water

Rutledge, Mr Geoffrey, Deputy Director-General, Environment, Water and Emissions Reduction

Simmons, Mr Craig, Executive Group Manager for Corporate Services and Operations

Dietz, Mr John, Chief Executive Officer, Suburban Land Agency

Snow, Mr Malcolm, Chief Executive Officer, City Renewal Authority

**THE CHAIR:** Good morning. My name is Tanya Keed. I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all members of the Elected Body and would like to introduce them: Paula McGrady, Deputy Chair, with the portfolios of Transport Canberra and City Services, ACT Health and our representative on the Coalition of Peaks; Maurice Walker, member, with the Education and Community Services portfolios; Jo Chivers, member, with the Justice and Community Safety portfolio; and Deanne Booth, member, with the Major Projects Canberra portfolio.

Environment, Planning and Sustainable Development, as a directorate, has a very positive contribution to make through the specific initiatives of caring for country. Cultural tourism and strong relations sit with the traditional owners. We are, however, deeply concerned by the reluctance of directorates to engage in positive dialogue with the Elected Body on the phase 2 implementation plans. The Elected Body has not yet seen the complete plans and associated documentation, and we are concerned that there are requests to significantly water down the directorate's commitments that were made in 2019.

We know that, on the positive side, the opening of the Wildbark education centre at Mulligans Flat nature reserve has been positively received and provides further opportunity for employment and sharing of local culture. I hope that these hearings clarify the position of the Elected Body: that we seek a positive, collaborative relationship with you.

Please could all witnesses who give evidence during the hearings acknowledge the witness statement, for the record. I would like to invite Director-General Ben Ponton to give any opening statements, before we commence with questions. Please limit your introductory comments to two minutes.

**Mr Ponton:** I have read and acknowledge the witness statement. My understanding was that the Elected Body was not asking for opening statements. What I will say at the beginning is that you will see that I have a number of people here, joining me. That is my executive management board. Whilst I am not expecting that all of the executive management board will be responding to questions, I felt as though it was important for the board to be here to hear firsthand the questions that you are asking. That is part of our ongoing commitment.

In fact, we have learned through the recent audit that we, as an executive management

board, can do more and do better in relation to monitoring our progress against the agreement. We now have a standing item on the executive management board agenda in relation to not only our reconciliation action plan, which has been there for quite some time, but also Closing the Gap priority reforms and the ACT agreement, and monitoring actions as an executive board. That is why you see the people that you have here today. In addition, we have portfolio CEOs from the City Renewal Authority and the Suburban Land Agency here, so if there are any particular questions for those agencies, I will ask Mr Snow or Mr Dietz to join us.

**THE CHAIR:** Thanks, Ben. With priority reform 1, partnership and shared decision-making, how is the directorate working with the community, sharing decision-making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community?

**Mr Ponton:** Thank you for that question. I will start and then I might ask my colleague Mr Burkevics to expand. There are two aspects in relation to that question. I have a tendency to talk too much, so if you think I am going on too much, feel free to—

**THE CHAIR:** I will let you know.

**Mr Ponton:** cut me short.

**THE CHAIR:** I will definitely let you know.

**Mr Ponton:** In relation to shared decision-making, I would like to ask Mr Burkevics to focus on the work that we have done with the Dhawura Ngunnawal Caring for Country Committee. That started more as a consultation mechanism, but we have been working to make sure that that body is about more than just consultation and engagement. We are working towards shared decision-making in relation to, as the name suggests, caring for country.

Mr Burkevics will provide some further details on that, and also in relation to partnerships. I will be honest: I do not feel as though we are doing as well in relation to building partnerships across the Aboriginal and Torres Strait Islander community more broadly. But I do feel as though we have made some good progress in relation to shared decision-making. I will hand over to Mr Burkevics to expand further.

**Mr Burkevics:** Thanks very much, Ben. And thank you very much, Chair. I have the pleasure of co-chairing the Dhawura Ngunnawal Caring for Country Committee. In my time in that role, over the past 12 months, it has been a big focus of mine to ensure that the committee is making joint and collective decisions in relation to matters of importance not only to the government but to the First Nations community. Over the last six months we have had a new focus on agenda items that are very specific. There are solid requirements for matters to come before the committee for decision.

One of the things that we have done is to ensure that the agenda has some sharpness to it by looking at what is the purpose of an agenda item coming before the committee. Is it for noting? Is it for consultation? Is it for a decision? I think that has greatly assisted members of the committee, as well as community, to be ready for the matters and to use their time very wisely. I am most aware of the load that is on the members of that

committee at the moment. I am very determined, as the co-chair, to ensure that their time is used wisely. There are some examples, as Mr Ponton has indicated, in relation to some joint decisions. One of the great achievements of last year was the construction and development of the strategic plan for Mulligans Flat, and that is—

**THE CHAIR:** Just a minute, Bren. Does the committee meet the elements for priority reform 1?

**Mr Burkevics:** I believe they do. Yes, absolutely, in terms of joint decision-making. I noted your point there, Chair, in your opening remarks, about a view that the directorate was attempting to water down some of the commitments for priority 1. We did write to the committee and received a response about a proposal to change one of the actions, and I thank the committee for that.

**THE CHAIR:** Does it have a formal agreement?

**Mr Burkevics:** The matter that we put forward? I think it was in recognition that, in the aim to achieve a formal agreement, there is a process of working out how it works, a joint management agreement. I suppose that is the operative word: what is a joint management agreement? As the new chair of the committee, I asked the committee, “What does joint management mean? How does it work? What are the responsibilities?” That is something I was not able to get an answer to. Rather than pitch for a joint management agreement, we have to work through what that actually means. That resonated really well. We have a number of workshops planned this year to further unpack what joint management will mean in relation to Namadgi National Park.

**THE CHAIR:** For it to be a partnership, it has to have an agreement.

**Mr Burkevics:** Absolutely. Noting the length of time that has been ongoing, in terms of discussions, I sense that to really accelerate some of that work it would be most appropriate that community and government representatives get together to discuss how joint management might work. I have been advised that there are a number of good facilitators that would help facilitate that session. We have got some work planned for the remainder of this year to really get down to the nuts and bolts around what a joint management agreement for Namadgi might mean and how it might work, before we embark on how we might write it.

**THE CHAIR:** How are Ngarigo included, when they have a country in the national park as well?

**Mr Burkevics:** I am not aware that they are at the moment. It has been made very clear to me that there are a range of family groups and individuals that will be very interested in participating on the journey towards a co-management agreement, however that plays out. I use the example of some of the discussions that are happening about heritage reforms at the moment. There have been some really positive discussions—they challenge you, I might add—with a wide number of community representatives. I would expect that, as we continue the journey of finding out and determining what a joint management agreement is, we will be keen to consult as widely as we can, which is an absolute commitment.



**THE CHAIR:** Can you provide three examples of where you have shared decision-making within the community against the ACT agreement? How was this decision-making formalised?

**Mr Burkevics:** All matters that come before the Dhawura Ngunnawal Caring for Country Committee are subject to potential decision. I would like to say that, at every meeting, the committee is being asked to make a decision on a matter and provide advice or decide on a way forward. So I think every meeting of that committee is about making joint decisions on a way forward.

At the most recent meeting that was co-chaired, there were decisions made about the way forward on developing areas—

**THE CHAIR:** Can you just provide three examples, please? That was the question that was asked.

**Mr Burkevics:** Sure. In a development area up in Watson, there were decisions made about how best to incorporate Ngunnawal values into that development area. There were decisions made in the Caring for Country Plan on how to progress that plan. And I think a number of decisions were made on how best to progress cultural burning opportunities within community, which I understand has a high priority. They are just three examples.

**Mr Ponton:** Mr Burkevics, did you want to talk a little bit about water?

**Mr Burkevics:** Yes, absolutely. Thanks, Mr Ponton. There were several discussions and decisions made around cultural water assessments, which are ongoing. So I am very impressed with the way that—

**THE CHAIR:** Were these three for the community? Were any of them for the community?

**Mr Burkevics:** Yes, through the DNC, which has representatives of community. But, of course, we have had a number of community days where community has the direct opportunity to influence and participate in the decision-making process on land management matters and cultural matters.

**THE CHAIR:** Any questions?

**MS CHIVERS:** Who makes up the Caring for Country group? Is the group representatives of all traditional families in the ACT that have a connection to this country?

**Mr Burkevics:** Indeed. One of the requirements, if I am not mistaken, to be a member of the committee is they have to live on country. The committee has served its term and we are going through a process now to call for new members. So that process is underway. But, absolutely, all the members of the committee are representative of the ACT. Community nominate and vote on who will be members of the committee.

**MS CHIVERS:** I would like to request that the Elected Body get some more



information about that process and about that committee as well.

**Mr Burkevics:** I can certainly provide the committee quite quickly with the terms of reference for the Dhawura Ngunnawal Committee and maybe a description of how we propose to go through the process to ensure that everybody has the opportunity to be considered.

**MS CHIVERS:** That would be great; thank you.

**Mr Burkevics:** You are welcome.

**THE CHAIR:** Just going back to the three examples, to what level was it funded?

**Mr Burkevics:** I could not talk specifically. Certainly, the decisions that were made in relation to incorporating cultural values up at Watson is a development area that I believe is planned and ongoing through areas outside of my remit. But certainly, yes, it is a funded development area.

There are always opportunities within the directorate for cultural burn opportunities. One of the recent investments by the government was \$250,000 as part of the Conserving Canberra budget bid to engage with First Nations communities on conservation matters and land restoration. They are ongoing discussions. Those discussion probably happen every week with our wonderful community.

**Mr Ponton:** In relation to the Watson matter, I am happy to provide on notice that detail on the funding for the Watson site specifically, if that is okay with you?

**THE CHAIR:** Yes. Thanks, Ben. I will now go to Priority Reform 2, building the Aboriginal community-controlled sector engagement with ACCOs. How many local ACT based ACCOs have you worked with in the last two years?

**Mr Burkevics:** How many?

**THE CHAIR:** Aboriginal Community-Controlled Organisations.

**Mr Burkevics:** I would have to take that on notice. I do not have that data available before me.

I do know that we regularly engage and contract the services of a range of Aboriginal organisations. I am pretty sure over this last weekend, at the Volunteers Conference, we engaged a number of businesses to help. Certainly in terms of our cultural burning, that is delivered by an Aboriginal business. I think a number of our facilitated committees are also engaged. But I am happy to take that on notice as well.

**MS CHIVERS:** Whilst I note that you were talking about businesses, Indigenous businesses are not Aboriginal Community-Controlled Organisations. There is a distinct difference.

**Mr Burkevics:** Thank you for that clarification. As I said, I am happy to get further information on that one.

**THE CHAIR:** Who are those organisations, Bren?

**Mr Burkevics:** Of course, all of our RAOs are businesses in their own right. They are regularly engaged on different matters of importance. We have King Brown, which provides cultural burning opportunities and other services. I am happy to get other examples as needed.

**Mr Ponton:** I know it is a business more so than a controlled organisation, but we have been trying to think outside the box in terms of how we provide opportunities in our work for the involvement of Aboriginal-controlled businesses as well as community organisations.

One that comes to mind is not local but we thought it would be a useful and very valuable exercise, from our perspective. With the recent planning reforms and looking at policy work, we really wanted to consider how we can better reflect traditional knowledge and culture in the planning system and designing for country.

The first step in that was thinking about some legal issues, and we engaged an Aboriginal-controlled legal firm to undertake some work for us, which provided really useful input into the current planning reforms that the government is currently settling.

We started small in looking at business opportunities and then we started to expand that in terms of a lot of policy input on what we might be able to do. Mr Burkevics will provide some further details in terms of community organisations as opposed to those other opportunities.

**THE CHAIR:** How have you helped the existing Aboriginal community organisation sector to grow in size or grow in scope for services?

**Mr Burkevics:** As I said, on Aboriginal-controlled organisations, I would need to seek some further advice. But I do have some specific examples of businesses that we work regularly with.

There is True Tracks by Terri Janke and Company, Indigenous intellectual property rights and other legal rights, that we have been liaising with on some policy matters. There is also Understanding Trauma by Burbirra, cultural support capacity building; Engoori by MurriMatters, engagement and relationship building skills, Indigenous leadership by Curijo—leadership skills again; and Ngunnawal Engagement by the King Brown Tribal Group. They are businesses but, in terms of the Aboriginal-controlled organisations. I would need to seek further advice.

**THE CHAIR:** How are you progressing with transitioning services to Aboriginal community-controlled organisations?

**Mr Burkevics:** I would say that there is no need to transition because we already engage organisations on a regular basis and we continue to look for more opportunities to engage Aboriginal-controlled businesses and organisations for the work that we do within the directorate.

**Mr Ponton:** In saying that, it is probably more difficult in terms of what I understand you to mean by ‘the transition’ in the policy areas or in relation to our regulatory roles. But, as I said, that does not mean that we are not looking at opportunities for greater involvement.

So, again, while Bren is talking about how we manage country, in the policy space or the regulatory space, we have completed some work and are wanting to do more. We are just working through how we can best engage with the community on the planning review work in terms of designing from country.

So, again, when people start to think about a new area for development, the starting point is thinking about Aboriginal culture and how that can then permeate through a new development.

So we are looking at it from a number of different lenses. But that would not be a transition to control; that would be more in Mr Burkevics’ space, in terms of the environment space. But also heritage as well, which you touched on earlier, Mr Burkevics.

**THE CHAIR:** What new community-controlled organisations have been assisted to be established?

**Mr Rutledge:** I cannot think of any.

**THE CHAIR:** On Indigenous procurement policy, how are you engaging with Aboriginal and Torres Strait Islander businesses?

**Mr Ponton:** I might ask Mr Simmons to come to the table. Mr Simmons has been leading our work in this space and he would be best placed to answer those questions.

**Mr Simmons:** I am the Executive Group Manager for Corporate Services and Operations. That includes our finance information and assets branch as well as our people and capability and governance arrangements. We have procurement policy within that.

We have the two per cent target that the rest of the ACT government has. To be absolutely upfront, it is a struggle to meet the two per cent target. We have been looking for opportunities. Traditionally, within our directorate, it has been the case that people will look to the Parks and Conservation Service and the environment as an area where we would expect to see a spend in that area. That is not enough to meet the target. So the question is: how do we start to engage with other types of businesses that are more about what the work of the rest of the directorate has? And that has been a struggle.

We have done a couple of things. At the beginning of this year we were looking for some executive search but, in talking to that organisation, which was an Aboriginal-controlled business, we spoke with them not just about the executive search but also about what other services they could provide—in particular whether they had a program about using cadets or other programs where we might be able to support a program like that.

In another area of our corporate services, we took a full-time position—which we were not sure what we were going to do with—and turned it into three part-time positions and went to each of the tertiary institutions and spoke with the Indigenous support groups within the universities and other places. We had success with the Tjabal Centre at ANU, and out of that in the first year we got three Indigenous students.

When it comes to things like the graduate programs, the ACT government has traditionally struggled because of the competition from the commonwealth in trying to get Indigenous graduates, So our thought process has been that we need a longer runway; we need to get people interested in what the ACT government does whilst they are in education, not when they have finished education. That is why we started that program.

**THE CHAIR:** Craig, can I just let you know this is not about employment. The question is about the business procurement.

**Mr Simmons:** Sorry.

**Mr Ponton:** I think Craig started that line of answer based on the executive search, and I think that is the important point. Again, this is going back to my earlier point, Chair: that we are not just relying on the environment and heritage side but also thinking about what else we can do. The executive search is a good example. But, Mr Simmons, you might want to talk a little bit more about what you have been doing in terms of encouraging and guiding our employees to think differently, not just—

**THE CHAIR:** We have questions that you can answer, and that could help with that.

**Mr Ponton:** That might help, yes.

**THE CHAIR:** What is the number and value of contracts that you have that support the Indigenous procurement policy?

**Mr Simmons:** On the exact numbers, I will have to come back to you on notice, because we are currently doing our annual report. As you would appreciate, the end of year contracts come through to post-30 June; so they are still being worked through to get the exact numbers of those. So we will have to take that on notice and come back to you on it.

**THE CHAIR:** As a percentage of spending, how much is spent with Aboriginal businesses?

**Mr Simmons:** At the moment, the estimate is about 0.41 per cent.

**Mr Ponton:** This is an area where, through our Executive Management Board, by having that standard agenda item, we are wanting to really drive this. This is a relatively new particular focus for us, but I know that, for Mr Simmons, it has certainly been a particular focus of his over the last 12 months to get that up from that and get closer to the two per cent.

The best way that we can do that is to move away from smaller value projects. That

legal services one that I mentioned earlier was just shy of \$25,000. We are trying to get some larger procurements that we can use to demonstrate our commitment to that policy.

**THE CHAIR:** It has been four years.

**Mr Ponton:** This is an area where we know that we have to do better, and we absolutely are focused on this. Again, Mr Simmons, you may want to talk a little bit about some of the other work you have been doing with our leadership group.

**THE CHAIR:** In relation to mainstream organisations, what are the specific requirements that those organisations must have to guarantee access to services in the community?

**Mr Simmons:** So you are talking about, for example, if we were talking to a firm that was coming in to give us advice on planning, what requirement they would have to engage with Aboriginal and Torres Strait Islander-owned business?

**THE CHAIR:** Yes, and access to services in the community.

**Mr Simmons:** I am not sure that I can give you an answer to that.

**Mr Ponton:** No but having said that—and stop me if this is not helpful—this is in the policy space. So, again, we are going back to legislative provisions and policies.

There was a recent change to the planning legislation, the new Planning Act, in terms of developing policy. There is now a specific requirement in relation to acknowledging culture of Aboriginal people and, in developing policy, there has to be a regard to that provision in terms of the legislation. So, as we start to go out for consultancies on planning policy matters, there will be a requirement for them to demonstrate how they have met that provision.

We are trying to deal with this from a number of different ways. That provision—which, again, I will say to you is a starting point—is in the legislation now. It is one of the first in the country to have that specific requirement for consideration of policy development. I would like to see us start to develop that in other legislation that we are responsible for. It was a significant shift but, perhaps in a review in three years time, we can strengthen that even further.

**THE CHAIR:** Are these changes what has delayed you for the four years? Is that the delay?

**Mr Ponton:** No, absolutely not. What I am saying to you, though, is that, in procurement, yes, you can do the really simple, small-scale things like catering. But is that really what we meant when we signed up to this? I do not think it is. So what we are trying to do is think of a whole range of other ways that we can deal with this.

That legislation and the planning reform has been a four-year exercise. So, yes, that has taken time, just because of the processes that we need to go through. There are other things that we can do really quickly in terms of the things that Mr Burkevics is responsible for, and Mr Simmons working through the corporate space to educate.

I guess what I am saying is that there are different scales to this. There are things that we are doing that are lower-scale. The legal services is one. Thinking about how we can actually deliver on the policy with high-value items is what I am committed to achieving, rather than just doing what are the small-scale, easy wins.

**THE CHAIR:** Maybe when we have our monthly catch-ups we can work that through and make it all accountable there. Just let me read this question again: in relation to mainstream organisations, what are the specific requirements that those organisations must have to Aboriginal and Torres Strait Islander staff within the organisation?

**Mr Ponton:** I think what we are saying is that—

**Mr Simmons:** We do not have any that are specific. At the moment, one of my big accounts would be getting the auditors in to do an audit of our accounts. That will go to one of the panels. They will be panel providers of the ACT government. That is our requirement to go there. We will pick somebody up, but the accounting firm will not have a requirement, because they are looking at our accounts.

**Mr Ponton:** But, Craig, as a starting point, you would look at whether or not there is an Aboriginal-controlled accounting firm.

**Mr Simmons:** That is right.

**Mr Ponton:** The thing I am hearing is that, in terms of what you are looking for, Chair, there is nothing specific in terms of a requirement in the scope that says X, Y, Z in relation to engagement with Aboriginal people or requirements to employ Aboriginal people. That is certainly something that we can consider further. That is a really good point.

**THE CHAIR:** We have to move onto our Priority Reform 3: Transforming Government Organisations—the ACT Agreement. How is your directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Mr Ponton:** Yes. I might start. Then, Mr Rutledge, do you want to make some comments on this?

**Mr Rutledge:** Yes.

**Mr Ponton:** In terms of core business, that is why elevating those three standing agenda items at our executive management board is important. Deputy Chair, I think you were at the cabinet meeting recently. I think I can share this—I probably should not—but the Chief Minister made a comment about sometimes just having things listed is really important in terms of changing the way that people think. That is why we have done that—so that at the very senior levels in our organisation, at every meeting we are considering these items and we are asking for an update from the relevant areas.

What I am expecting to see then is that we start to cascade down into other teams the same approach, where it becomes business as usual that people think about the



agreement and people think about what they need to do to deliver, because up until probably the last 12 months that has not been the case, and other things became priorities. The things that are on the agendas are the things that we focus on, so let us make sure that we have those items listed so that every fortnight at our executive management board it is something that we as a leadership group talk about, and then we can drive that through our organisations. That would be my opening remark in terms of making sure that implementing the agreement is business as usual. Mr Rutledge, did you want to add?

**Mr Rutledge:** Yes. I just have two quick ones. Mr Simmons started to talk about this earlier. It is about trying to work out how we can elevate the presence of Aboriginal and Torres Strait Islander and First Nations people within our workforce, because then that brings us knowledge not only on the item that they are directly employed to, but so that we understand that it leads to, I suppose, a greater sense of First Nations knowledge from that person and understanding from others.

I think the recruitment and retention and the training, which we run through our people and capability branch are some of those. We also talked about promotion. Mr Simmons started to talk about that. There is one contract that maybe slipped his mind: we just signed a five-year contract to look after maintenance and cleaning of our depots, and that is \$1 million over five years. Again, we went through Supply Nation to do that, and that is \$270,000 a year over five years. They are bigger numbers than what we were talking about.

As Mr Ponton was saying, I think it is just about having it front of mind. Mr Ponton asked: when we are looking at some of our service delivery is there a key element in the procurement? Maybe there is not a key element in the procurement, but our procurement values would mean that when the tender evaluation panel looks at those—if they are a culturally safe organisation, if they have Aboriginal and Torres Strait Islander staff—that would be highlighted. Then there would be a few areas where we would want to draw on First Nations knowledge. The most recent one, front of mind for me, is the consultancy around the heritage reforms. That is where we did build it in as particular criteria where we needed that to be the case.

**Mr Ponton:** If I can just add, Mr Rutledge—just going back to that procurement piece, if I can—I have just been reminded through a note here that in fact many of our other contracts do make reference to the Aboriginal and Torres Strait Islander procurement policy. An example that has just been highlighted here is the work that we are doing on East Lake, where we had a specific reference in the scope and the contract which resulted in an Aboriginal-controlled organisation being engaged as one of the subconsultants. I think that is reinforcing that point that as we, as an executive management board, focus on this as business as usual, it is filtering down so that we are starting to see it appear in our contracts, which I think is—

**MR WALKER:** We obviously just had the Head of Service—before you guys came—in here to talk about the six priority areas of focus of the agreement since 2020. What have you done to respond to that? I mean, you are talking at the moment as though you are going to focus on this and focus on that—

**Mr Ponton:** We are.



**MR WALKER:** —whereas we are four years down the track.

**Mr Ponton:** No, I certainly appreciate that. Maybe my language is not clear. What I am saying is that we have made changes with our executive management board so that our executive management board considers these issues as business as usual. That is now filtering down, and what we are seeing in our contracts are references to, for example in this particular case, the procurement policy. And then Mr Rutledge was talking about tender evaluations. That is all happening now, and I think that is coming from the fact that we are prioritising this as business as usual.

This is every day. People need to be thinking about the agreement and the priority reform areas nationally. So, that it is not something that we are planning to do; it is something that we are doing right now. What I am saying in terms of what we are going to do is that I want us to improve. We know that we can build on this. We started—going back to procurement catering opportunities—with small-scale easy wins. That is not good enough. We have been building that to the point that we are now getting legal services and planning consultancies—those sorts of businesses—as well as recruitment agencies looking for executive staff: Aboriginal-controlled organisations helping us in terms of our recruitment. Because, again, I do not just want our Aboriginal people in our organisation to be at those entry-level positions. We are targeting executive-level positions.

**Mr Burkevics:** Could I make a couple of remarks, Chair, just in terms of reforming organisational practice. Certainly, as the group that has a very close working relationship with community, the head of our traditional custodian engagement team is a member of our group's leadership team. That way, all matters are considered by myself and my colleagues in that group through the lens of their impact on traditional custodians. I found it really useful to have the head of our TCE team sitting across all matters that are brought before the leadership team that I have within our Environment, Heritage and Water group, and that has proven to be really successful.

Recently, during my attendance at the AIATSIS conference—again, there are a number of initiatives within the directorate to sponsor senior executive staff to attend committees—I made some thoughts known to the EPSDD executive management board on ways that traditional custodian issues can be enhanced within the directorate. They have only recently been discussed—in the last couple of weeks—so I think we are seeing a real focus within the executive management board on First Nation issues.

**MS McGRADY:** We have four priority reforms, and the purpose and aim of these is about closing the gap. It is about all of these areas being able to provide information that the gap is closing. That is the crux of what we want—what is really important to the Elected Body with our local agreement but also the national agreements. It is about being really clear about the priority reforms and making sure that they are really serving their purpose—and that is closing that gap of disadvantage. That is something to always keep in your mind when you are considering all these areas in your directorate. It is about closing that gap of disadvantage.

**Mr Ponton:** Absolutely, and that is why it is not just the agreement that we consider at each board meeting; it is also closing the gap priority reforms. We are making sure that

that cascades through so that we keep that front of mind.

If I may, just really quickly—we will provide detail in that question taken on notice—in terms of the Watson site that Mr Burkevics was talking to, the investment there was a little over \$500,000.

**MS CHIVERS:** In a lot of your comments today you keep talking about the traditional custodians—

**Mr Ponton:** If I may—

**MS CHIVERS:** My concern is: what about the broader Aboriginal and Torres Strait Islander community? The traditional custodians are absolutely critical and important, but the majority of the Canberra Indigenous community are not actually traditional custodians—

**Mr Ponton:** No.

**MS CHIVERS:** —so I am concerned that from a directorate perspective you seem to be extensively focused on the traditional custodians without the rest of the broader community.

**Mr Ponton:** To be fair, if my language has not been clear, I apologise. The reference to traditional custodians has been very much in relation to the environment and management of country aspects. The traditional custodian reference is also in relation to the planning legislation which is actually about country. You would have heard me talk about Aboriginal and Torres Strait Islanders—you can go back to the transcript—when I am talking about the other things that we are doing. So, the language I use depends on the particular work that we are doing. We were talking about procurement and legal services. We were talking about Aboriginal and Torres Strait Islander-controlled organisations, but, yes, I acknowledge that when I am talking about country I will talk about the traditional custodians.

**Mr Simmons:** Chair, if I may, I just have two quick points. We have reorganised some of our resources around procurement to have a greater focus on procurement and putting people in as these matters come. So we have procurement expertise built out of one of my teams to assist people in making sure that they are following policies that we do—

**THE CHAIR:** Craig, if we have time can we just come back to that, because we have got a lot to get through—

**Mr Ponton:** And if we have time, too, Chair, I think Mr Dietz wanted to make some comments. But maybe we come back on procurement that Mr Dietz—

**THE CHAIR:** Yes. If we can, we will come back to that. We want to move onto systemic racism. What have you done to review your legislation policies and processes to identify and remove systemic racism?

**Mr Ponton:** Yes. Mr Rutledge will comment on this, but also Mr Burkevics, I think, wanted to make some observations in relation to this item. Of course, work is happening

at a whole-of-service level. So, I am sure you would have heard from the service this morning in relation to work that is being done at the whole-of-service level. We have representatives participating in that work. That is then fed back through to our executive management board and, again, through the organisation in relation to what is coming out of that work. I might go to Mr Rutledge—

**Mr Rutledge:** Go to Bren first and then—

**Mr Ponton:** Yes, okay. Mr Burkevics, being relatively new to our organisation, and having the area that is responsible for managing country—and most of our identified positions are within his area of responsibility—had some observations in relation to this particular matter.

**Mr Burkevics:** Thanks very much, Mr Ponton. Thanks for this really important question. For the year that I have been with EPSDD, I must admit that matters relating to systemic racism are few and far between in mentions to me, which I think is a sign of the commitment made by the directorate to engage with Aboriginal people, whether traditional custodians or not, and the really healthy level of relationship that we have, and respect.

I am sure you were briefed prior to this hearing on the whole-of-government policies and approaches that are in place. But certainly, from my perspective, I hear very few mentions of any issues associated with systemic racism in the directorate. And if there are, those matters are certainly investigated quite quickly. I have not heard of many in my time in the year, which is really pleasing.

**Mr Ponton:** And in terms of what we are doing—

**THE CHAIR:** It is not about HR.

**Mr Ponton:** In terms of what we are doing specifically, I might go to Mr Rutledge.

**Mr Rutledge:** Thanks, Chair Keen. Yes, I think this is one of those things. I am reluctant to say that there is more work to do because I do not want you to think that we are doing nothing, but there is always more work to do. I think it is about having key leaders. We have a key leader sit on the whole-of-government working group on addressing systemic racism. It is about making sure that their role is escalated so that we can address it wherever we see it.

Of course, with systemic racism there is overt and covert. Part of being a safer organisation is that hopefully we are getting better at identifying overt, and hopefully at some point we will be able to identify covert racism as it occurs. One is being actively engaged in those committees, having all of those governance structures in place so that anything that is called out, once it is called out, gets escalated quickly. And I think we have talked a little bit about that today. I know that the point is that it is not an HR thing but what is an HR thing is getting a group of First Nations people together and then making sure that they feel safe. And we do have a staff group, if you will, separately making sure that all of our non-Indigenous staff members' eyes are at least open to the presence of this.

So, I think that is where we are right now. I think we are in continuing awareness-raising. I would say, going to Bren's point, that we have not seen, and we do not even often hear the term "racism", which is interesting. But we are not blind to the fact that the fact that we are not hearing the term does not mean it does not exist. It just means that we have to look more carefully. That also means having safe people across the whole of the organisation, because some people will not want to go to HR or will not want to go to another senior Indigenous person within our organisation. So we have all available. I suppose that is what we are doing. And I think again—

**THE CHAIR:** Geoffrey, can you just describe what structural discrimination is?

**Mr Rutledge:** How would I describe structural discrimination? My understanding of structural discrimination is where a non-Indigenous person, or those in the majority, would set up systems and processes where the effect would be that certain people would not make the progress through that organisation. That is how I would describe it. And I would hate to think that we would do this, but a simple thing that you might do is have a tediously long process for application—a tediously long role description, tediously long interview process—and create a lot of barriers, and then have a non-welcoming environment and unsafe people on that panel. And that would just exist and everyone along the way would think that they are doing their job. The impact would be that certain groups of this community would not be able to proceed through to success in that organisation. That is how I would describe it.

**MS McGRADY:** Thank you.

**THE CHAIR:** Thank you. Racism. How has EPSDD supported Aboriginal and Torres Strait Islander employees across the ACT public service to reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander within government systems by 80 per cent by 2028?

**Mr Rutledge:** Doing what we are doing, and doing it better, would be the start of it. Some of it would be visibility, and seeing that visibility. Bren already mentioned that he went to the AIATSIS conference—and he was accompanied by other staff members—and then instantly came back and talked to us as the executive group about how we could do better. We had staff go to the Garma Festival, and they will have lessons from that.

So I think that is what we would do. How would we measure it? I am happy to take advice on this. When we do our whole-of-government staff surveys, we have questions around bullying and harassment in all of its forms. What we have seen in our most recent staff survey is that evidence of that has decreased in the two years. That is a regular staff survey. Off the top of my head, I do not think we have specific race-based questions. We do have discrimination questions, but not based on race—

**THE CHAIR:** How many instances of racism are generally reported within the directorate each year?

**Mr Rutledge:** Again, we would only have generic discrimination. Those numbers are quite low and decreasing. But I will take that on notice, and I will also take on notice a question about whether or not—without identifying people, because the numbers are so

low; it would be less than a handful—we can get to a more granular level. But, as I said, those service-wide staff surveys, which are fully anonymous, is where we get some really deep and rich data about potential problem areas. I would like to think that results, if we were not headed in the right direction, would pop up there. At the moment, they are headed in the right direction. In another two years, let us hope that it is the case. And if it is not, we need to do something even further.

**THE CHAIR:** How are they reported?

**Mr Rutledge:** Discrimination generally?

**THE CHAIR:** Yes.

**Mr Rutledge:** We report that in our annual report, so they become public. Our staff survey we report to our executive team and then to all of our staff in its entirety. And, yes, both of those are ultimately publicly reported so that we keep an eye on it. But, more importantly, getting it right so that people feel safe to make those reports without fear, is the first thing—and then seeing either of those reports, those results, and then choosing to do something different.

**THE CHAIR:** Geoffrey, did you say that there is a small number that is disclosed as racism?

**Mr Rutledge:** No, I said discrimination numbers would be small and therefore if I went even further—and this is what I will take on notice—whether that would be too troubling. Because as I said, even at discrimination levels, we are a team roughly of 800 and there is probably roughly 0 a year, or even less than 10 a year, of discrimination at all—

**THE CHAIR:** How many of them are Aboriginal staff?

**Mr Rutledge:** Off the top of my head, we will not have that answer. I am saying, off the top of my head—

**Mr Ponton:** Of complaints or Aboriginal people?

**Mr Rutledge:** Sorry, complaints or staff members?

**THE CHAIR:** Staff members. Of Aboriginals. You say that you have 800. How many of them sit in—

**Mr Ponton:** It is 25—

**THE CHAIR:** The reason I am asking is that if you have got a small number, is it safe there for them to identify—

**Mr Rutledge:** No, I understand.

**THE CHAIR:** That is what I was getting to. Yes.

**Mr Ponton:** There are 25 Aboriginal and Torres Strait Islander people who have identified—

**Mr Rutledge:** Yes, 25 Aboriginal and Torres Strait Islander—

**THE CHAIR:** Out of 800?

**Mr Rutledge:** Out of 800, yes.

**THE CHAIR:** And are they are supported to disclose, and they are supported if—

**Mr Rutledge:** All staff are supported to disclose. I suppose the two things that I wanted to highlight is that of those 25, we encourage them to come together as a supported informal network. We separately have programs in place to ensure that non-Indigenous staff members are trained and have some cultural awareness. So both of those together would hopefully create a safer environment.

For disclosure officers, they are under our respect, equity and diversity, and they are right across the organisation. What I am saying is that, between those, we would hope that people would be able to come forward safely and report any instances of discrimination—and in this case racist discrimination.

**THE CHAIR:** We will move on to the workforce. We understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as part of improving services to the community. There continue to be concerns raised across the community that some staff are not recognised, accepted or connected to our local community. How do you ensure these people meet the definition of being an Aboriginal or Torres Strait Islander person?

**Mr Rutledge:** There are two elements to that question. If they identify as Aboriginal and Torres Strait Islander people, we accept their identification as that. There are further questions that we all have within the community, in that there will be reasons why people do not identify and there will be reasons why people do identify. At the moment we just respect those that identify as that. I would like to think that, if we become a safer organisation, more people will come to join us, and others who maybe have not felt safe to identify will identify.

**MS CHIVERS:** To expand on the question that the chair asked, it is more around the three elements of identification. In saying that you are an Aboriginal person, one element of that is you have to be identified as such by the community. I think it goes to a bit more than just accepting that they are saying they are Aboriginal. It is about the three elements of what actually constitutes identification of an Aboriginal person. That is what the chair was asking about.

**Mr Ponton:** In terms of our HR system, where people identify, are you talking about that process or our identified positions, in terms of how we appoint people to identified positions?

**MS CHIVERS:** It is more around how you, as a directorate, guarantee that if you have an Aboriginal or Torres Strait Islander person in your employ, they have met all three



elements of identification? For example, I can say I am Aboriginal, but I may not actually meet all three elements because I could have absolutely nothing to do with community, for example. I would not be accepted by community, which means I would not actually meet all three elements.

**Mr Rutledge:** I am sorry; I did understand the question, which is why I explained it in the way that I did. We do not test or verify; if people self-identify as Aboriginal and Torres Strait Islander, we accept that that is the case. Notwithstanding that there are shortcomings with that, that is the approach we take.

**THE CHAIR:** Let us go on to the next one. How do you make sure that they have the lived experience connection with the community that is critical to the ability to engage with and deliver outcomes for the Aboriginal and Torres Strait Islander community?

**Mr Rutledge:** I will say that it is role dependent. If I think of some of our identified positions where we are employing Aboriginal people, if part of their role is also to do cultural leadership or provide us with those insights, we would be looking for them to have that skill set, that competency and those links with community. There would be other roles within the organisation where it is not part of their key role that they are providing us with cultural advice beyond their role, or cultural expertise is not essential to the role, beyond what they bring. We would have different roles across the organisation.

I feel we are guilty on the other side. I will speak for myself rather than the organisation. As a non-Indigenous person, I feel that I will end up putting too much cultural load on people and asking too much of people when they are part of our team. I feel that it is actually a more likely risk for that to occur.

Where we have our leaders employed, where we are looking for that cultural knowledge, that is where their knowledge and their links to community are required. My fear is that we sometimes put too much cultural load on any Aboriginal and Torres Strait Islander in our organisation and expect them to take on that cultural lead role, where that was not part of what they signed up to. That is where I feel there is a risk.

**THE CHAIR:** How do you track compliance with the process?

**Mr Rutledge:** Again, if we are employing someone and part of their role is to take on links to the community and provide that, it would be part of the discussion through their professional development, as it is part of their role. It is as simple or as complex as that.

**THE CHAIR:** How do you ensure that the advice they give is culturally appropriate?

**Mr Rutledge:** That is probably more challenging. Normally, as non-Indigenous people, we would take advice. It is not that all knowledge comes from those people. We have talked a little about the DNCCC. That, you will understand, like any committee, has different views around the table. As part of the collaboration, part of the discussion, we try to get a view. That is how we would test it: through other collaborative processes, to sense-check, as we would any advice in government.

**THE CHAIR:** When designing roles, what are the requirements for identified or



special-measure roles?

**Mr Rutledge:** With particular identified roles, I might ask Mr Burkevics to talk about the water policy role in particular, because that is one that has recently been established and recruited. It is where we know that there is an inherent need for First Nations knowledge over and above other forms of knowledge.

Water policy would be the most recent one that springs to mind. That is where we knew that we as an organisation needed to have that skill set, that cultural knowledge, so we created a position in that, and we made it an identified position. With some of our Ngunnawal ranger roles—which are not all Ngunnawal rangers, but some of our ranger roles—we have a land management element. Again, that is where we would do it. Mr Burkevics can talk about the water policy role, in particular.

**Mr Burkevics:** Certainly, in terms of any job description that is for an identified position, there is the opportunity to have that job description consulted internally with our traditional custodian engagement team. That provides an opportunity for that means of cultural appropriateness to be cast. I would certainly like to see a day when we are also consulting with the Dhawura Ngunnawal Caring for Country Committee, and providing an all-inclusive approach to any new identified position or indeed existing positions when they are reviewed.

Building on the points raised earlier by Mr Ponton and Mr Rutledge, I am aware that, for identified positions, proof of genealogy is a requirement on occasion. I know that, for some of the positions within my group, we have asked for that proof. It is a responsibility of the applicant to provide that proof that they have a confirmed Aboriginal heritage—background.

**THE CHAIR:** How many Aboriginal and Torres Strait Islander people are working on projects or programs that are not specifically for Aboriginal and Torres Strait Islander community?

**Mr Burkevics:** I would say all of them, in a variety of ways. But all of them will also be working on projects and priorities that are for Aboriginal people. It all depends on the role and their particular focus at the time. It varies from day to day, depending on their role and what they are employed to do.

**THE CHAIR:** Going back to the Aboriginality, too, it might be a suggestion to consult with the Elected Body. We were elected by the community. On recruitment panels, have any Aboriginal and Torres Strait Islander persons independent of government been part of a panel to help with this assessment?

**Mr Ponton:** We might take that on notice.

**Mr Rutledge:** Yes, I cannot think of any, off the top of my head.

**Mr Ponton:** No.

**Mr Rutledge:** We will take that on notice.

**Mr Ponton:** Off the top of my head, I cannot think of any, in terms of independent. Let us take it on notice.

**THE CHAIR:** Thanks. Cultural competency: how does the ACT government train and assure the cultural competency of ACT government employees?

**Mr Ponton:** Mr Rutledge can talk about our cultural awareness training.

**Mr Rutledge:** Yes. As we have talked about a couple of times today, we have programs to support our Aboriginal and First Nations staff members, and non-Indigenous people. Most recently, we have been doing cultural awareness training and welcome to country language training. I can add to the list. We provide in our annual reports the work that we do across the organisation.

For all of our people, in capability training, and moving through COVID and now back out of COVID into a post-COVID world, it has meant that we have been able to start moving some of our online training back into in-the-office and in-the-field training. It is a good opportunity for us to reset and recheck our offerings. I do not think we are doing anything uniquely different from other agencies. On any statistical measure regarding participation and take-up of training, I think we are better than most across the ACT government.

**THE CHAIR:** How does awareness link to competency? What is the minimum standard given to all staff on cultural responsibilities?

**Mr Rutledge:** I do not think we have a hard rule that I can think of.

**Mr Ponton:** No.

**THE CHAIR:** How have you identified the positions that require cultural competency?

**Mr Burkevics:** I think it is case by case, whenever a new position is required. You certainly look at what the requirements of that position are and determine if it is most suitable that an identified person should be the occupant of that position. We are going through that process at the moment, following recent government enhanced investment in pest and weed animal control. That has resulted in a number of new positions. We are looking at those positions to see how many of them we can potentially make identified.

**THE CHAIR:** Do you evaluate the performance of those positions based on understanding achievement of outcomes for the Aboriginal and Torres Strait Islander community? Is the content designed and delivered by local Aboriginal and Torres Strait Islander people or organisations?

**Mr Ponton:** Do you want to respond to that, Mr Burkevics?

**Mr Burkevics:** Understand performance: yes, I would probably raise it up a level slightly and highlight that all staff within the directorate are subject to performance reviews. I would be cautious about a non-Aboriginal person providing feedback on the performance of an Aboriginal person because often you—

**THE CHAIR:** Cultural competency is for all staff, not just our lot—not just Aboriginal and Torres Strait Islander people. It is for all staff.

**Mr Burkevics:** That would be indicative of some of the stats, as Mr Ponton and Mr Rutledge have indicated previously—how the directorate is performing with staff through training, and its recruitment. I know a number of staff that are joining us today have recently participated in language training. Other training, decolonise your mind and matters like that, are all progressing. It is probably more broadly, regarding how the directorate is achieving its identified targets.

**Mr Ponton:** In terms of those training opportunities, we have mandatory training. When somebody joins us, or to be employed by us, there are certain expectations. It might be useful if we provide for you, on notice, the figures in terms of how many of our people have been through those various training opportunities. I do not have the figure in front of me, but I do know that it is quite strong in terms of the training. In terms of cultural awareness training and language classes, again, through our executive management board, my expectation is that we all do that. Again, that drives the expectation through the organisation.

**THE CHAIR:** Let us move on to a priority reform. Thanks for that. When will EPSDD provide the phase 2 directorate implementation plan to the Elected Body for consideration?

**Mr Burkevics:** Thanks very much for the question. That was submitted last week. As you know, we corresponded with the Elected Body earlier this year with regard to a suggested change to one of the actions. We received a response to that. That was given due consideration. On reflection of that response, we have decided not to further request discussion on the action. We will proceed with the original action. The process that we go through to achieve that action will align against the proposed change and we would consult on what joint management means, for example.

It is fair to say that it was lodged last week with the Community Services Directorate. I certainly would not say that was an obstacle in progressing all of the matters that are already in there. The establishment of the heritage cultural database updates is progressing really well.

**THE CHAIR:** Why has there been such a delay?

**Mr Burkevics:** My understanding is that the government considered those action plans earlier this year, in around February, if I am not mistaken. Of course, the directorate is not in a position to lodge those before it is given government consideration.

At the time, certainly, in looking at some of the actions that were proposed prior to my arrival, I expressed a view that I thought an alternative action might be more achievable and realistic to get some tangible, solid action on some of these things that we could measure. That was discussed within the directorate. That was then discussed with ministers. That process did take some time and did result in the letter to the Elected Body. My understanding is that the Elected Body had a number of deliberations around that letter and responded afterwards; hence that informed our way forward.

**THE CHAIR:** Why does there feel like there has been a level of reluctance around this plan?

**Mr Burkevics:** I would certainly say there is absolutely no reluctance. From my perspective, having—

**THE CHAIR:** It did take a while, though.

**Mr Burkevics:** Absolutely. I think the plan was already there. If anything, the time was reflective of my desire to make sure that we could really get some wins with it. Certainly, as one of the key actions of the joint management agreement, that is no easy objective. I expect that the discussions and the process to get there will be long and protracted.

I certainly want to make some headway; hence why I expressed the view that having discussions about what it means first would be far more helpful than launching in to trying to write something initially. That has resonated well with community, that joint discussion approach, before we get down to a joint management agreement writing phase.

**THE CHAIR:** Let us go on to sustainability. Following the Orroral Valley fire that burnt extensive areas in Namadgi National Park, extreme risk was identified to both access and cultural heritage. How will the \$6 million grant from the commonwealth to support recovery of the national park be spent? How much of this will be spent with Aboriginal and Torres Strait Islander community organisations and businesses?

**Mr Burkevics:** I think that is one of the underpinning priorities for that program. I could not quote the exact figure of what we have spent so far. One of the key underpinning principles of that recovery program is to ensure the resilience of the national park and the protection of cultural heritage assets.

There are a number of key areas that are in focus for the people that I work with. One is the re-creation of two huts in Namadgi National Park. We go through a process of consulting with traditional custodians on their views, and whether it is appropriate to re-create what are essentially huts of pastoral arrangements in the past. That is occurring.

The other one that is very tough is the return to country of a digging stick that was removed from country during the fires to protect it. The arrangements for returning that artefact to country are, as you would expect, inviting a wide range of views. Some of those views are not aligning. The consultations on that artefact returning to country, again, will take a period of time. The priority for the custodian of that artefact at the moment is to ensure its cultural and physical protection. I think it is not where it needs to be in the long term. It is not in a humidity-controlled or temperature-controlled environment. That is not good for any artefact of that age. We need to ensure that it is stored appropriately and safely, and particularly in a culturally appropriate manner. They are two examples at the moment of work going on with the recovery of Namadgi.

**THE CHAIR:** How is the directorate engaging with community to support the transition to clean energy?

**Mr Rutledge:** There are a couple of things going on in the clean energy space right now. One is what we are doing at the ACT government level, which is very much ensuring that, at the household level, we are all making good decisions about when to transition. At the moment the transition applies to energy efficiency and, through our programs, delivered sometimes by us and sometimes by the non-government sector, lifting energy literacy so that all community members are supported through that transition.

Pre-empting where I think you will go to on the next one, do we have Indigenous-specific programs? No, we do not. We are supporting community organisations that work across consumers that have lower incomes, to assist them through that.

**THE CHAIR:** Are they local Aboriginal organisations?

**Mr Rutledge:** Local organisations. ACTCOSS, Vinnies, Salvation Army, Care Financial—those non-government organisations. We do not have any—

**THE CHAIR:** Any Aboriginal organisations?

**Mr Rutledge:** I do not think we do. I am trying to think of whether or not we used Gugan Gulwan. I will say no, and I will come back and correct that, if that is not the case.

**THE CHAIR:** Is that going to change, or is that just how it is now?

**Mr Rutledge:** That is how it is now. We are about to go out to market and roll out some new procurements, particularly around roof insulation and electrification. We are hoping, through that procurement, to set up a panel of providers to do that, and all of those providers will need to have a consumer interface. We are in the midst of doing that. That would be the next chance to re-examine whether or not we have the settings right. Separately, the commonwealth government is running a large clean energy First Nations consultation, and I think our—

**THE CHAIR:** How are you tailoring messages for our community, before we get to the commonwealth?

**Mr Rutledge:** I do not think we do, to be frank. Again, I am being, as always, frank. I do not think we do. We look to trusted community organisations to help us tailor their messaging.

**THE CHAIR:** But most of the ones you identified are not Aboriginal organisations.

**Mr Rutledge:** Correct. I understand what you are saying, and I am being honest in my answers. We do not do Indigenous-specific programs in this space for clean energy.

Just to finish off on the federal government's clean energy roundtables, those roundtables are coming forward. My observation is that most of those to date have not been at the retail-consumer-household level. They have been largely about land access for transmission around the country. I will see how it runs, but I know that the roundtable is coming up before the end of the month.

**THE CHAIR:** What is the status of the Namadgi agreement and what are the steps forward?

**Mr Ponton:** I might ask Mr Burkevics to answer. This has been a challenging matter for us.

**Mr Burkevics:** Absolutely. The Namadgi agreement is still valid, but I would like to say that it is dormant. At a time—and it well pre-dates my time—there were a number of differing views around how it should be implemented, and they were not able to be resolved at the time. It is timely that—

**THE CHAIR:** Is that community views or the same views?

**Mr Burkevics:** I think it was a mix. There was an impasse between the parties, sadly, that prevented a way forward.

**THE CHAIR:** That is what stopped it moving forward?

**Mr Burkevics:** Correct, yes. However, I would like to say that, with some of the discussions we have been having with community and Aboriginal businesses at the moment, and the RAOs around reforms to cultural heritage, it would be entirely appropriate to have discussions around the Namadgi agreement and how we may move forward. I think it would be—

**THE CHAIR:** Bren, are you working with signatories or their families?

**Mr Burkevics:** I could not say that we are actually at that level of working with anyone at the moment, but I sense that there is an absolute appetite to review whether it is appropriate to rescind it or do something else, noting the work that is in the action plan at the moment to work out a way that we could achieve co-management. Discussions on the way forward are timely. Certainly, I do not view that having a dormant agreement is in any way useful if it is not being implemented and underpinning action.

**THE CHAIR:** The signatories to that national agreement are probably the people that you need to talk to first about it.

**Mr Ponton:** I know that there had been discussions with the signatories and/or families.

**THE CHAIR:** And families, yes.

**Mr Ponton:** I think that is what has prompted Mr Burkevics's comment on the impasse. Yes, definitely, we would need to re-engage. I do not know; I could not answer off the top of my head when the last engagement with the families specifically was on that matter.

**Mr Burkevics:** I support Mr Ponton's comments. Certainly, the signatories to that agreement are entirely appropriate to express their views on the way forward. I would certainly like to say that we should be talking about the way forward. Even if those conversations take a long time, having conversations is a really good thing, and that



experience has occurred with some very culturally sensitive discussions about reforms to the ACT Heritage Act and Heritage Council arrangements. Potentially sensitive discussions have occurred in a fantastic manner, and the fact that we are actually having conversations about moving forward was really pleasing.

**THE CHAIR:** What are the differences between the roles of the United Ngunnawal Elders Council, registered Aboriginal organisations and the traditional custodians' caring for country council?

**Mr Burkevics:** Overlapping to some degree, but all specific in their own way. Some of them are statutory. The elected body has its statutory functions. The RAOs have their statutory functions under the Heritage Act, and the Dhawura Ngunnawal Caring for Country Committee has its functions as prescribed under its terms of reference. I would like to think that they work in harmony. We certainly know that there are sensitivities and areas where there needs to be a process of consultation. Certainly, I think that they all play their role, and it is important that we figure out the best ways that they can all be involved in consultations and decision-making.

**MS McGRADY:** Yes. With all families that have cultural connection to this land, absolutely, try and engage as many as you can, if not all, in some way.

**THE CHAIR:** Control of feral animals: we have noticed an increase in media coverage of the need for control of feral native animals with culling programs. Has the directorate considered the opportunities for cultural practice in this process?

**Mr Burkevics:** Yes, absolutely; and we consider the opportunity for cultural practice in all activities that we are doing. We have only just begun planning our feral animal control program. Certainly, in terms of our kangaroo management program, I know that we make opportunities for cultural involvement in relation to that program.

With the sad deaths that occurred at Gibraltar Falls, I know we are talking to community around what is an appropriate healing process, when the time comes to consider the re-opening of that location. I would like to say that, yes, we think about all opportunities to embed culture and provide opportunities in all of our programs.

**MS CHIVERS:** Whilst I understand why there are a number of these programs in relation to the control of feral animals, it is very important to think about the healing process. I am Palawa; for example, my totem is the kangaroo. For example, for me and other Palawa people who have made Canberra our home, yes, we do understand the whole reason behind the culling of kangaroos, but from an Indigenous perspective it can be quite distressing to us because that is our totem. I am sure that that is the case for programs in relation to other feral animals. I am interested in how you are building that cultural response into how you are managing those programs.

**Mr Burkevics:** There is a saying that stuck with me following my attendance at the AIATSIS conference: "Nothing about us without us." I think it is such a wonderful saying. To give you an example, the government recently announced enhanced investment in habitat restoration across the ACT over the coming year. In moving forward and working out the areas for habitat restoration, one of the core principles is opportunities for cultural practice. In the Mount Ainslie and Mount Majura areas, for



example, our traditional custodian team has identified some of the plants. Plants that are being referred to as women's medicine plants do not exist at that location, so one of the plans in the habitat restoration is to reintroduce those plants on Mount Ainslie and Mount Majura.

In any operational plan, including our cultural burns, our cool-burning program and our hazard reduction program, we see regular and sustained engagement with our traditional custodians. The challenge that I am very conscious of is the load. I heard the figure mentioned recently that three per cent of the Australian population are now being sought for their traditional knowledge and engagement. That is a fair effort and a fair responsibility. How do we best manage those cultural load responsibilities when community members have their own life, their own families, their own hobbies and their own things to do? I certainly have not figured that out, but I remain eternally grateful for their support and engagement with the work of EPSDD. I do not think there is a night or a weekend that goes past when some form of workshop or engagement is not happening.

**THE CHAIR:** Cultural tourism in the park—does it exist and how is it administered?

**Mr Burkevics:** We are working through a process. It does not exist at the moment. We are working through a process to develop a framework to support cultural and tourism opportunities. We have a number of ranger programs. Rangers that are not from this country have expressed the view that they need to operate very carefully and respectfully when operating on country here, and they have expressed a desire for further discussions about their role in delivering cultural programs to ensure that they are not causing offence to traditional custodians. That is going to need some further work.

From my perspective, it would be a disappointing day if we cannot restart the delivery of cultural programs, because I think that, without them, everybody misses out. Certainly, some further discussions between our traditional rangers and the Dhawura Ngunnawal Caring for Country Committee on how to move forward and ensure that these programs can be delivered in a culturally respectful and supportive way are required.

**THE CHAIR:** Thanks, Bren. Are there any further questions from the members?

**MS CHIVERS:** How does the directorate consult with, and what is your relationship with, other traditional groups that may not be the traditional custodians of the ACT—for example, in Tidbinbilla? There are obviously parts of that that are not in connection with our traditional custodians. It is actually a completely different group. How do you engage with that group?

**Mr Burkevics:** There is regular and sustained engagement with all our RAOs. That is a requirement under law, so that occurs, and certainly in Tidbinbilla. There are opportunities for us to ensure that everybody can have their say if they have a connection to country, and that can go into the consideration process. With the RAOs, there is regular and sustained conversation about a range of matters, primarily those that are triggered under the Heritage Act, and we are seeing, as I mentioned, results of the conversations happening about Aboriginal cultural heritage reforms. In terms of

more broad day-to-day processes, our primary mechanism for consultation is through the CFC, but certainly the opportunities to ensure that everybody can feel that they have had the opportunities to be heard as part of the consideration process are really important.

**Mr Ponton:** Specifically in relation to country, we also work with the Elected Body in relation to policy and development. I know that—

**THE CHAIR:** Member Walker wants to ask a question.

**MR WALKER:** As a matter of conversation, you mentioned earlier that some of your staff went to Garma. Have there been any conversations in the directorate about the process of a referendum between non-Indigenous staff and yourself?

**Mr Ponton:** No.

**MR WALKER:** It is really interesting—the feedback from the Garma Festival was about, obviously, Aboriginal people convincing non-Aboriginal people to vote yes, which would give us an opportunity to succeed in the referendum with a yes vote. I want to know, just generally, if there was any conversation around the water cooler.

**Mr Ponton:** Mr Burkevics will make some comments, and then I might as well, depending on what Mr Burkevics says.

**Mr Burkevics:** I would go as far as to say that, beyond the water cooler to the executive management board, the people in this room had a discussion recently on how our First Nations people could be best supported, which is a message that, for me, came out of the AIATSIS conference. The support needs, heading into what would be a challenging time, need to be considered, so that was discussed at the most recent executive management board on responsibilities for the directorate to best support staff in what is going to be a very tough cultural time over the coming months.

**Mr Ponton:** Of course, the ACT government has a very clear position, and the head of service communicated that to the ACT public service in relation to the government's position on the voice. As to what Bren was talking about, while we have not further communicated a position on that, what we want to do is make sure that we support our people on that journey.

**MR WALKER:** Thank you.

**THE CHAIR:** Are there any further questions from members?

**MS CHIVERS:** Given we still have another three minutes—

**Mr Ponton:** I was waiting for that!

**MS CHIVERS:** how does the City Renewal Authority and the Suburban Land Agency make culture and heritage a priority of its work?

**Mr Ponton:** I am glad you asked. I think Mr Dietz would love to spend the next 2½

minutes talking about that. I should point out that, when we do have an Elected Body representative at EPSDD, it is not just me who meets with them. I also have Mr Dietz and Mr Snow join us so that we have that conversation. At the moment, we do not have an allocated representative. Mr Dietz, did you want to start?

**Mr Dietz:** Thank you—yes. Thanks for the question, Jo. For part of the answer, I might start with some input that I had around the procurement policy. One of the areas where we see we can assist in increasing ATSI economic participation is through our procurement. Traditionally, there has not been a lot of ATSI organisations.

**THE CHAIR:** John—not ATSI. Can we refer to Aboriginal and Torres Strait Islander people, please?

**Mr Dietz:** Yes.

**THE CHAIR:** Thank you.

**Mr Dietz:** Traditionally, there have not been a lot of registered organisations within the procurement list in the major civil works contracts. We are looking to ensure that we can continue to evaluate the tenderers based on their ability to improve economic participation. We now have a guide which ensures that, when we do go out to tender, we are consistent in our RFT, in our recommendation for tender, with the requirement for them to provide solutions, and we then evaluate their response based on that when we are evaluating the criteria.

That evaluation allows them to put forward their best solutions, their best ideas. It could be that they are using recognised organisations as part of their subcontractor chain. It could be that they have included a greater number of employees within their own organisation. Then, through the tender evaluation team, we ensure that not only what they are saying but the risks associated with what they are saying are appropriate and that they are putting forward something that is real and measurable. That is part of how we are ensuring that we are getting a better participation rate through the procurements that we do as the SLA.

The other is education. I really feel that the more that our staff and our communities are educated around the Indigenous heritage of the sites and the communities that we are establishing the more respect is increased and earned and the better the outcomes are for our community. Education happens in a few ways. For our own staff, we have some significant education through our own contracts. EPSDD talked quite a lot about cultural awareness. We include a lot of that as well. However, when we go out to communities, our place-making approach ensures that, if we are looking at what a new development might look like, we really need to start with what the history of the place was, and the Indigenous history is so key. We help educate the whole community about what that site's history was so that we can better understand its current uses, so that as a community we can then define what the future best use is, and that becomes the goal that we then take to our tenderers. An example of where we have used that is Gungahlin Town Centre East. One of the emerging pillars for the east, based on that engagement, was around the Indigenous cultural heritage of the land.

In looking at some of the early designs, the main park around that new solution is

looking at being called Mother Earth Park. It is taking into account some of the baseline education that happened as part of the community consultation. I have taken up a lot of your time. I am going to hand over to Malcolm very quickly. Thank you.

**MS CHIVERS:** Thank you.

**Mr Snow:** Thanks for the question, Jo. There is everything he just said, but I would probably add to that in the sense that we have had to, with our fairly small area and program in particular, forge a really strong working relationship with the NCCC because we are working on country. We are seeking to modify and change the urban landscape of the city. The three things that have been impressed upon us about our engagement with the Ngannawal community through that are, firstly, visibility and truth-telling about what came before, and, secondly, emphasis on country and nature. We are very keen to bring nature into the city. We think that is a really terrific goal to strive for. And, finally, there is equal collaboration.

Through our capital works program, we have identified three major projects where there can be fantastic opportunities to express those goals, and they include the Acton Waterfront, down on the lakefront, where we went into a process well over 18 months ago to listen to the representatives and the elders who were present at the workshops about exactly what happened on country many thousands of years ago and then weave that into our design brief. We are repeating that success. We got so much out of that, as staff and as an organisation, that we wanted to repeat that through the work we are doing in this district, associated with the new theatre, and also our work on Garema Place, which is a really important meeting place in Canberra—one which all cultures should be welcome to. Like the park and like this district, we have tremendous opportunities to express that through our design work.

**MR WALKER:** I have a question while you guys are sitting there. The ACT government made a commitment to establish an Aboriginal and Torres Strait Islander housing corporation in the future. How will you guys ensure that affordable housing opportunities are allocated to the Indigenous community when that organisation becomes a viable organisation, because that is part of the process around land. Hopefully built into that will be home ownership and looking for new places to build houses for the community.

**Mr Ponton:** I might jump in to start and say that I think the detail of the question is really for CMTEED and the coordinator-general of housing, who is responsible for housing policy. The role of Mr Dietz and Mr Snow would be to implement that government policy once it has been adopted by government. I think it would be difficult—and you may want to say something—for you to respond now in the absence of—

**Mr Dietz:** I could respond in that the process would be quite similar to how we work with Housing at the moment, and that would be right from the beginning of a suburb's development, when we are doing our place-making. We identify which suburbs have the best opportunity for certain outcomes. That may be affordable housing, that may be community housing, that may be public housing and that may be Indigenous housing.

By doing it fairly early in the process, we ensure all the right amenity supports for the

housing that is needed are there at that time. It is actually a formal working group between us, Housing, CSD, the housing coordinator and EPSDD. That would then result in requirements that come to the SLA, as Ben said, in the implementation priority. We would then have those requirements and could say, “In this particular development, we are committing X number of houses for that outcome.” Usually, if CSD or ACT Housing chose to provide the housing, we would then transfer those sites to Housing as the development occurred and they would then deliver.

**MR WALKER:** Thank you for that. That is the answer I wanted to hear because, in the consultation process that is coming up, our community will be asking questions similar to that, and that is probably what they want to hear: where are you going to build; where are you going to get the land; and where are you going to build homes? That information is going to be good for our mob when they are doing that consultation. Thank you.

**THE CHAIR:** Member McGrady, do you have a question?

**MS McGRADY:** Yes. I just want to end on a comment. National parks, land management et cetera affect all of us, and it is the responsibility of all of us. Thank you for the attention to preservation that I note particularly around the fires. I understand there were some little animals that were moved to Sydney, to the zoo, and it was really nice to hear the attention to the cultural elements of what is in those national parks. National parks are there for all of us. As much we care for country and we love the land, the land is for all of us, so we all have an important role to play in making sure that we are still doing those great things and are engaging cultural knowledge around cultural grazing and all that kind of thing. Thank you. I just wanted to make that comment.

**Mr Ponton:** Thank you.

**Mr Burkevics:** Thank you.

**THE CHAIR:** That concludes the questions for today. Thank you for your attendance. We look forward to receiving your responses to the questions taken on notice.

**Hearing suspended from 12.37 to 1.02 pm.**

Appearances:

**ACT Health**

Cross, Ms Rebecca, Director-General of the ACT Health Directorate

Lopa, Ms Liz, Acting Deputy Director-General, Infrastructure and Engagement

George, Ms Jacinta, Executive Group Manager, Health System Planning and Evaluation

Barbaro, Ms Fiona, Executive Group Manager, Corporate and Governance Division

Culhane, Mr Michael, Executive Group Manager, Policy Partnerships and Programs Division

Murray, Ms Christine, Executive Group Manager, Population Health Division

Moore, Dr Elizabeth, Coordinator-General, Office for Mental Health and Wellbeing

**THE CHAIR:** Good afternoon. My name is Tanya Keed and I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all members of the Elected Body and would like to introduce them now.

I am joined by all members of the Elected Body and I would now like to introduce them. Paula McGrady, the deputy chair, has portfolio responsibility for Transport Canberra and City Services and ACT Health and is our representative on the Coalition of Peaks. Maurice Walker is the member with the Education and Community Services portfolio. Jo Chivers is the member with Justice and Community Services portfolio responsibility. Deanne Booth is the member with responsibility for the Major Projects Canberra portfolio.

Please, could all witnesses that give evidence during the hearings acknowledge the witness statement for the record? I would like to invite the Director-General, Rebecca Cross, to make an opening statement before commencing with the questions. Please can you limit your comments to two minutes?

**Ms Cross:** Thank you, Chair. Rebecca Cross, Director-General ACT Health. I have read and understand the witness statement. We do not wish to make an opening statement to the Elected Body. Thank you.

**THE CHAIR:** I will now pass to Paula to continue the questions.

**MS McGRADY:** Thank you, Tanya. We will start by considering the four priority reforms of the national agreement, and my questions will be based around those four priority reforms—firstly, priority reform 1, partnership and shared decision-making. How is the directorate working with the community, sharing decision-making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community? And I do have some dot points attached to this question.

**Ms Cross:** Across the ACT Health Directorate we have a number of processes in place where we engage with the Aboriginal and Torres Strait Islander community. We do that through a range of mechanisms. In some instances, we are very conscious of the feeling sometimes that we are over consulting. So we really try and tailor our engagement according to how much has been previously done in an area so that we do not repeat things. We have looked at opportunities to engage on two issues at a time, so that we are not going back to the same people twice.



Depending on your interests, we could point to particular examples in areas like mental health. Really, it just depends on what specific areas you are interested in and we could go to more detail of how we have engaged in that sort of partnership.

I might ask Dr Elizabeth Moore to talk about some of the work we have been doing in mental health, because we have a number of new mental health services and strategies that are under development.

**Dr Moore:** Elizabeth Moore, Coordinator General, Mental Health and Wellbeing and I have read and acknowledge the witness statement.

There are a couple of areas or examples that I think would be useful in this space. The first is the Aboriginal and Torres Strait Islander Suicide Prevention, Postvention and Aftercare Service, where we went through a formal process of consulting with community in order to inform the tender.

The tender was won by Thirrili. Thirrili, of course, is not an ACT-based provider. They have spent the last 12 months consulting with community—because, at the forum that we held, we heard that that was what community wanted. They have been providing a service through Way Back and others areas that they already do, but the actual service itself has been widely consulted with community and is scheduled to start later this year.

**MS McGRADY:** Okay. Thank you.

**Dr Moore:** Another example that will be released in August—and we only have a couple of weeks left of August—is the Detainee Mental Health and Wellbeing Strategy. That was as a result of a formal partnership with Winnunga, with CHS and with Corrections, which the ACT Health Directorate drove.

Although we cannot show you any impacts at the moment, it certainly had been identified as an area that needed further work, and we will be developing an impact statement from that.

**MS McGRADY:** Okay; thank you. I will go to some dot points to that question. How many new formal partnerships has your directorate established since 2020?

**Ms Cross:** I think we would have to take that on notice. Again, there is a range of different types of partnerships. The example of working with Thirrili we would describe as a partnership. Even though they are a contracted provider, the way we have approached the consultation has been in partnership with them.

So, if you are happy with that broad definition of ‘partnership’, we can come back with the number of quite specific areas where we have done that.

**MS McGRADY:** Thank you, Rebecca. That might even lead into the other question. Adding to that is: how are they resourced, what have they achieved and is information publicly available? You probably need to take that on notice.

**Ms Cross:** Yes; again, I think we will provide that on notice. It will be slightly different



for each arrangement.

**MS McGRADY:** Thank you. Please provide three examples of where you have shared decision-making with the community in the context of the ACT Aboriginal and Torres Strait Islander Agreement.

**Ms Cross:** Three examples of where we have shared decision-making with the community?

**MS McGRADY:** In the context of the ACT Aboriginal and Torres Strait Islander Agreement.

**Ms Cross:** Yes.

**THE CHAIR:** How is it formalised?

**Ms Cross:** I am just trying to think of examples where it is shared decision-making. I am happy to take that on notice but I think on the shared decision-making, there are probably some examples of that with an organisation like Winnunga where the decision on models of care that are provided in the AMC are actually put forward and developed by Winnunga and then the directorate works with Winnunga on those models of care. I think we would have had contract negotiations with them.

I say ‘shared decision-making’ but, at the end of the day, we need to make the contractual decision that the model that we adopt is actually put forward by that Aboriginal-controlled organisation. So we do not go to them saying, “Here is what we want you to do”; they come to us saying, “Here is the service we think is needed”. If that is useful as a way of describing shared decision-making—

**MS McGRADY:** Yes.

**Ms Cross:** I would say the same with Thirrili, which Dr Moore mentioned. Thirrili has been working very closely with community to work on that model of care. We have not dictated what it is; we have actually extended time frames to allow more consultation and more time to work that through with community. Then, at the end of the day when we make a decision on that model, even though again we will be the decision-maker, it will be based on what has been put forward to us by the provider that has done that deep consultation. So they are two examples.

I am just trying to think of a third off the top of my head. Maybe I will take the third one on notice, if that is all right?

**MS McGRADY:** Yes. And, look, I do have a dot point. To what level are these funded for some of those shared decision-making elements?

**Ms Cross:** A lot of this is when we have a provider, and we work with that provider and community, so that is built into the contract with that provider. Some of them may have lines about consultation and engagement, but otherwise it will just be part of the general cost of contracting that service provider.

The other thing I should mention, maybe as the third example, rather than taking it on notice, is that—I think you said “from 2020”—during COVID, we worked very closely with community and funded a number of organisations to provide additional services. Again, that was very much working with those organisation to ask: what is needed during COVID; what will best help community? So I think that would be the other example where it was really joint decision-making about what additional services should be prioritised; how do we fund them; how do we get the money out so that we actually manage the impact of COVID as best we can?

**MS McGRADY:** Thank you.

**THE CHAIR:** How are they funded to participate in the decision-making, not the delivery?

**Ms Cross:** As I said, on a lot of this we have been working with providers, so they are funded to do this as part of the contracts that we have with them. I am just going to check. In some instances when we involve members of the community, there is some reimbursement for their time, which we could point to. So, again, if we are calling on individuals, we can, where we need to, reimburse them for their time as well.

**MS McGRADY:** Yes, thank you. Does any member have any other questions, or will I go on?

**MR WALKER:** Next one.

**THE CHAIR:** Next one.

**MS McGRADY:** Thank you. Priority reform 2—that is building the ACCO sector. So engagement with ACCOs. How many local ACT-based ACCOs have you worked with in the last two years? And—I have several dot points—who are they?

**Ms Cross:** The two I would point to that we have worked with primarily would be Winnunga and Gugan, who we do quite a lot of work with. Thirrili would be a third in the mental health area. I am just trying to think if there are any others. They are the three main ones that come to mind. Again, I am happy to go back and see if there are others, but we do a lot of work with them.

**MS McGRADY:** Yes, that is okay. Thank you.

**Ms Cross:** We will get to the Ngunnawal Bush Healing Farm, I am sure, at some stage.

**MS McGRADY:** We will.

**Ms Cross:** But that is another area where we have for some time been exploring whether we can get an Aboriginal-controlled organisation running the residential service. As part of that, we have dealt with a number of non-ACT based ACCOs to help inform how that service might work, but I think the three that I have mentioned, Thirrili, Winnunga and Gugan would be the primary ones.

**MS McGRADY:** Thank you.

**THE CHAIR:** But Thirrili is not an ACT based organisation, is it?

**Ms Cross:** It will be once it starts operating the service here, but, no. And that was the result of going out to see if there was anyone that was locally based, but they won that tender. Again, that is why we have put a lot of time into developing the service with community—because we wanted to create that sort of awareness there.

**THE CHAIR:** They have been going for a fair few years in Canberra now. When will they become a Canberra organisation, because they have been around for a couple of years now? So is there a timeframe of when they become—

**Ms Cross:** I will see whether Dr Moore knows whether they are changing their registration status or whether they will just set up an operation here.

**Dr Moore:** Thank you. I must take that question on notice. My belief is that they are just setting up an operation here, but the CEO of Thirrili comes very regularly.

**MS McGRADY:** Okay, thank you. So how have you helped existing ACCOs to grow in size or grow their scope for services?

**Ms Cross:** I think Winnunga would be a good one to point to, because we are currently engaging with Winnunga about a new alcohol and other drugs service. I do not know, Liz, whether you would like to talk about what we are doing there with Winnunga, which will be an expansion of the services that they offer in the ACT.

**Ms Lopa:** Thanks, Rebecca. Good afternoon, everyone—

**MR WALKER:** Turn your name around.

**Ms Lopa:** Yes, sorry.

**MS McGRADY:** Thank you.

**Ms Lopa:** Tricks for new players! I am Liz Lopa, acting Deputy Director-General for Infrastructure and Engagement and I have read and understand the privilege statement. We have been working with Winnunga quite closely on the Aboriginal and Torres Strait Islander residential rehabilitation service, which will be built in Watson. Originally, Winnunga was contracted to do the model of care for that service, which they did, and now the government has also funded, directly to Winnunga as grants, money to design the facility. They have done the model of care, they have now designed the facility, and we have received funding in this year's budget to build the facility along with a new Ted Noffs and CatholicCare—the two facilities that are currently in Watson.

Winnunga has been fully in control of the decisions around what that rehabilitation centre will look like, with their own architect and their own project manager. We also have, in last year's budget and this year's budget, funding for Winnunga to train up a workforce to be able to run this service. Obviously, as you are aware, there is not another service in the ACT like it. Winnunga does not currently run one like it, so we have given them money to train and recruit workforce, and train so that when the service

opens they are able to run that service. I think they are doing a lot of sessions and talking to people interstate who run similar services.

When that facility opens, and that service is up and running, that will be something new that Winnunga will be doing in the ACT. We are obviously working really closely with them because we have to rebuild Ted Noffs and CatholicCare as well, so we are working in partnership with them to make sure their buildings and our buildings and the whole site work well together. But it is going to be really expanding what they can offer the community in Canberra.

**MS McGRADY:** Thank you. So how are you progressing with transition services to Aboriginal community-controlled organisations?

**Ms Cross:** I think possibly the best example there is the work that is underway with the Ngunnawal Bush Healing Farm. The original idea with the residential service was to go out to market and tender, and then there was some consideration from the then Bush Healing Farm advisory board about whether they could become an incorporated Aboriginal organisation and run the service themselves. Quite a lot of work was put into that.

When we get to the Bush Healing Farm, we can talk about why that is on hold, but ultimately we would like to see that service run by an Aboriginal-controlled organisation, and that would again be an expansion of the sorts of services which are currently offered in the ACT. It is not something we can do quickly, but that is definitely a service where we would like to see that transition.

**MS McGRADY:** And the investment in the expertise of staffing. There is Narrabundah House, but also the Winnunga facility, a proposed facility at Watson. So that is really important. I think a topic for the Elected Body, as well, is about making sure that expertise is there in that area of need.

**Ms Cross:** Yes, and I think as Liz said the Watson facility is actually putting the time in, ahead of time, to train up and find staff that have the appropriate skills, because a lot of these will be qualified positions. We also do a lot of the longer-term work—the work we do with an organisation like IAHA to get more Aboriginal and Torres Strait Islander people training in health-related professions, which is, again, the longer-term pipeline. So we are looking at it in the short, medium and long term.

**MS McGRADY:** Yes, that is good. Thank you. What new community-controlled organisations have been assisted to be established?

**Ms Cross:** At this stage I do not believe there are any new ones in our area. I guess we are looking at one for the Bush Healing Farm, and although Thirrili is not a new organisation, at least having them here offering a service in the ACT I think is better than having a non-Aboriginal provider offering that service. So, while we have not created a new organisation, we have brought a new one into the market, so to speak, in the ACT.

**MS McGRADY:** Thank you. The next questions will be about the Indigenous Procurement Policy, connected to Priority Reform 2—building the community-

controlled sector. What are the requirements within contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander people? In relation to mainstream organisations, what are the specific requirements that those organisations must have? Also—and I will read the points out and, if you want me to go back, I can—guarantee access to services in the community; Aboriginal and Torres Strait Islander staff within the organisation; representation on the board and how they procure services.

**Ms Cross:** We may need to take that level of detail on notice. I could make a general comment. In the directorate, we have a partnerships team, which is very competently, ably and brilliantly led by Yehuwdiy Dillon. Yehuwdiy and his team are involved in all the policy programs and services across the directorate. If we were entering a new contract or doing commissioning, all the people would consult with Yehuwdiy and his team to make sure that whatever provisions we are putting in are taking account of what we are trying to achieve under the Elected Body agreement through the Closing the Gap targets and that we have appropriate measures in place. While we will take the detail on notice, that is just to give you an assurance that that is part and parcel of anything we are doing—that we actually consult that team to make sure that we have the appropriate provisions in place.

**MS McGRADY:** Thank you.

**Ms George:** I could probably add something, Rebecca. I have read and acknowledge the witness statement. My portfolio includes responsibility for contracts and grants management for the non-government sector. For the service funding agreements with NGOs, we have recently moved to include a requirement for a service to be culturally accessible and culturally safe for Aboriginal and Torres Strait Islander people and for them to collect data about the services they deliver. We are in a process across government around commissioning for outcomes in the community sector and, as Rebecca said, we are working with community, local organisations and the partnerships team about what we would want to commission to have the best health outcomes in the future and some more detail around Aboriginal and Torres Strait Islander access and culturally-safe services. We could provide the current wording that goes into the agreements.

**Ms Cross:** I can probably read that out. The performance requirements for most services are to deliver a non-discriminatory service which is sensitive to the social and cultural values of the participant, their family and their community. We also include that they have to implement strategies to ensure access for Aboriginal and Torres Strait Islander people and those from culturally and linguistically diverse backgrounds or that they will implement culturally-safe strategies to ensure access by Aboriginal and Torres Strait Islander people and those from culturally and linguistically diverse backgrounds. They are standard requirements that we include as well.

**MS McGRADY:** Thank you. As a percentage of spending, how much is spent on Aboriginal and Torres Strait Islander businesses?

**Ms Cross:** I know I have that figure. It is just about how quickly I can find that in my briefing pack. Fiona, would you like to—

**Ms Barbaro:** Good afternoon. I have read and acknowledge the witness statement.

Under the procurement policy, we had a two per cent target for last year, but we have exceeded that and came out at seven per cent of our addressable spend. That is \$6.8 million out of the available \$87 million.

**MS McGRADY:** Thank you.

**MR WALKER:** How many contracts have you entered into with Aboriginal and Torres Strait Islander businesses? And, as a percentage—

**MS McGRADY:** As a percentage or how many contracts?

**MR WALKER:** How many contracts? Or is it just going back to Gugan and Winnunga?

**Ms Barbaro:** No. The row starts at five and it ends at 26, which would mean there are 21 different providers. I think all are Aboriginal and Torres Strait Islander controlled, apart from two.

**Ms Cross:** I assume that would include when we contract workshops by organisations like MurriMatters. I know that we use Aboriginal and Torres Strait Islander firms when we do the catering for workshops, so I assume the list that Fiona ran through goes beyond just Winnunga and the larger providers to cover all the contracts we have entered into.

**MR WALKER:** Beautiful.

**MS McGRADY:** Thank you. We will move to Priority Reform 3—transforming government organisations. How is your directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of core business?

**Ms Cross:** Probably the starting point would be to talk about the work we have been doing on the Cultural Integrity Framework for the directorate. We have been doing a lot of work in the directorate. We started with a survey that looked at what our level of cultural competence was, using an acknowledged Aboriginal and Torres Strait Islander survey to look at our level of cultural competence. Then we had a series of workshops across the directorate to talk through the results of the survey and start thinking about what we need in our Cultural Integrity Framework. That is the process where we have a steering committee to start finalising the drafting of the Cultural Integrity Framework, and that will then shape the action plan for the directorate going forward. It was useful to actually start with a benchmark. When the Elected Body is interested in impact, we can go back in a few years, redo the survey and see whether it has had an impact in terms of improving cultural awareness in the organisation.

**MS McGRADY:** Okay.

**THE CHAIR:** How are you achieving outcomes on the priorities for the head of service in 2020?

**Ms Cross:** The priorities of the head of service, Kathy Leigh? Basically, our priorities are determined by the Elected Body agreement and the specific action areas of the



Health Directorate within that or the ones which are for whole of service. If I look at a whole-of-service one, there are issues like addressing racism. Certainly, that is a focus in the directorate, and we participate in the whole-of-service working group. That may be the sort of thing you are referring to. Again, we draw them from the Elected Body agreement and the specific focus areas and actions, and we actively support them and participate in them. If there is a particular one that you are interested in, we could go into more detail about what we are specifically doing.

**THE CHAIR:** Thank you.

**MR WALKER:** It is funny that you should ask that. I was going to say—

**MS McGRADY:** Yes. How do you work with other directorates in implementing the agreement?

**Ms Cross:** There are a number of actions where we are the lead and then there are other actions where a different directorate leads and we participate. A good example might be the focus area of children and young people, which I think is led by the Community Services Directorate, but we have a lot of input. An example of that would be our focus on the first thousand days of a child's life and the Best Start initiative where we are looking at the contribution for improving the health and wellbeing of Aboriginal and Torres Strait Islander children and expectant mothers—all those sorts of things. That is an area where, while that would be a CSD priority, we hopefully play a really significant part in looking at the very early years of a child and the health related aspects of wellbeing.

**MS McGRADY:** Thank you.

**Ms Barbaro:** If you do not mind, I just want to correct a number. An Excel spreadsheet and I do not always do well on a laptop. I said there were 21 providers. There are actually 30. It is even better.

**MR WALKER:** Beautiful. Even better.

**MS McGRADY:** We will move on to systemic racism. What have you done to review your legislation, policies and processes to identify and remove systemic racism? I have two dot points. What has the directorate implemented to address systemic racism? And what legislation and policies have you reviewed and amended to address systemic racism? We can come back to those if you want.

**Ms Cross:** I am not aware of any legislation that we have reviewed, so I would like to take that on notice so that I can check. The main thing that we have been doing on systemic racism is participating in the whole-of-service working group that has been looking at that, and that is led by the Education Directorate. Certainly, in the directorate we are very conscious of looking at our staff survey results to make sure that, if there are results coming through where people feel they have witnessed or experienced racism, we look at those and work out whether it is just an individual incident or it is systemic racism. That has been a strong focus of all the work we have been doing out of the most recent staff survey. The main area that we are working on is in the whole-of-government working group, in the context of systemic racism.



**MS McGRADY:** Thank you. Racism. How has ACT Health supported Aboriginal and Torres Strait Islander employees across the ACT public service to reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander people within government systems by 80 per cent by 2028?

**Ms Cross:** In the Health Directorate, as I said, we had a lot of people participate in the survey so they could understand their cultural competence. What everybody got at the end of that was a personal profile that showed the areas where, as an individual, they were strong or where they needed to improve their knowledge, skills and expertise. As a follow-up to that, we did the MurriMatters workshop. A lot of focus for individuals in the directorate is about hearing what it feels like to experience racism. Certainly in the workshop I attended, the Aboriginal and Torres Strait Islander staff who were there were not just talking about their own experience but their family's experience and their parents' experience.

A lot of what we have been doing is about trying to raise awareness and an understanding of what it is and the impact it has and then focusing on how we, as a directorate, can overcome that. As I said, we hope that, if we do a benchmark survey in a few years, we will see that some of those things have improved.

**MS McGRADY:** How many incidents of racism are generally reported in the directorate each year? Do you have any idea?

**Ms Cross:** In the staff survey, there is a question about that. I am not sure whether it separates racism and discrimination, but it was relatively low. There are a couple of areas in the directorate where it is higher than we would like. That goes to a couple of quite specific incidents. If you have an incident and seven people say they witnessed or experienced it, that looks like seven incidents, whereas, in fact, it might have been one incident that a number of people saw. We are doing that deep dive to try and understand that. The rates were comparable or slightly lower than the rest of the ACT public service, and in most of the directorate they were lower.

**MS McGRADY:** They report it through the survey? That is where you—

**Ms Cross:** Yes. We had a 75 per cent response rate to that survey, so that is a pretty good measure of what is happening in the directorate.

**MS McGRADY:** Generally, how are they reported?

**Ms Cross:** If anyone wants to report an incident—and I will come back to this—there are mechanisms available through our People Strategy and Culture branch. We have done a lot of work in the directorate, not just on racism but also on any inappropriate behaviour, to encourage people to report it. If they are not comfortable going to the People Strategy and Culture branch, they could talk to their supervisor or a peer so that we can get that information reported. When we look at the staff survey results, we see that quite a lot of the incidents are still not being reported. The staff survey is really useful to point to where we need to put further effort.

**MS McGRADY:** How does the directorate address these incidents of racism?

**Ms Cross:** When an allegation is made, if it is reported to us, we would talk to our People Strategy and Culture branch and work out the best way of approaching it. In some cases, we will start with an informal process, where we talk to the people and see if we can resolve it or bring the parties together. In other instances, there will be a formal process. If it is appropriate, that can be by someone completely independent of the directorate. It is very much fit for purpose, depending on the nature of the allegation and also the action that the person is willing to take, because, at the end of the day, if someone does not want to pursue a particular process, we will not insist, but we would always encourage people to report so that we can properly investigate it and hopefully find a way to positively resolve it.

**MS McGRADY:** What does the directorate do with regard to prevention?

**Ms Cross:** The prevention work is the sort of work that we are doing through the MurriMatters workshops and through that survey—trying to raise awareness in the directorate of the issues that people face and improving their cultural knowledge and cultural understanding.

**MS McGRADY:** Thank you.

**THE CHAIR:** Is MurriMatters a training organisation? Is it an organisation in Canberra? What is MurriMatters? Is it a program?

**Ms Cross:** It is a company that we have used a lot. I might ask Yehuwdiy if he has the detail on MurriMatters. We have used them quite a lot in the directorate.

**Mr Dillon:** Thank you for having me. I have read and understand the witness statement. MurriMatters was in the ACT for a long time. They are currently not based in the ACT anymore. They do extensive work across a number of ACT government organisations—including, for example, Education—on the methods and the strategies, the First Nations approaches. For example, the Engoori approach is being used broadly across a number of organisations. Part of our responsibility in terms of our whole-of-government response is to ensure that, when employees move between directorates, they also have commonality of language and expectation. Part of the reason we use some of these service providers is to ensure there is a cultural element in the support and the language. Those strategies are used as well.

**MS McGRADY:** Thank you. Workforce. We understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as part of improving services to the community. There continue to be concerns raised across the community that some staff are not recognised, accepted or connected to our local community. I have a lot of dot points on this question, so I will go through them one by one, if that is okay. How do you ensure that they meet the definition of being an Aboriginal and Torres Strait Islander person?

**Ms Cross:** Most of our data on Aboriginal and Torres Strait Islander staff in the directorate—if that is what you are asking about: how do they meet the definition of being Aboriginal and Torres Strait Islander staff in the directorate—

**MS McGRADY:** Yes; thank you.

**Ms Cross:** By and large, that would be by self-identification and their personnel records or in completing the survey when we ask whether they are Aboriginal or Torres Strait Islander people. Regarding the survey, we do not then go through a verification process. We just take it that that is how they identify.

**MS McGRADY:** Okay.

**THE CHAIR:** What about the employees in identified positions?

**Ms Cross:** When we are employing them in identified positions?

**THE CHAIR:** Yes.

**Ms Cross:** Unless anything has changed since I was last briefed on this, generally it is that people identify as Aboriginal or Torres Strait Islander people and say they are recognised in their local community as such. On occasion, we may know people in the community and we may double-check that, but we do not go through a formal process of requiring a certificate or anything.

**MS McGRADY:** Okay.

**Mr Dillon:** We could probably look at their SDL as well. We have also been trialling some culturally responsive recruitment processes. As part of that, rather than having a formal interview, we still have a structured conversation, but it is a conversation where the potential candidate is provided with an option of either a sit-down table conversation or a yarning circle. As part of that, we unpack who they are with them to a level that they are comfortable with, including their connection to community and how they relate to the ACT and region, and, potentially for some of our roles that require some national level of coordination, what their national connections are as well. We are able to unpack that in more detail in a very comfortable, supportive and culturally responsive environment.

**MS McGRADY:** Some of your answers might feed into the rest of the questions, but each of these points are really important, so I will read them out. How do you make sure that they have the lived experience connection with the community that is critical to their ability to engage with and deliver outcomes to the Aboriginal and Torres Strait Islander community?

**Ms Cross:** I think that has largely been answered by Yehuwdiy through those very careful recruitment processes that we go through, which we try and do in a culturally appropriate way.

**MS McGRADY:** How do you track compliance with the process?

**Mr Dillon:** We have been unpacking that with our HR area and have been looking at coordination across directorates as well. We have also been sharing processes and approaches with other directorates across ACT government, looking at what they are doing and how they are running similar types of processes. There are mutual

accountability factors. Probably at the core of this question is a specific request to produce proof of Aboriginality, or whichever term you would like to use for that. That is a space that the whole of government really needs to have a look at and understand as well. For example, are we walking into the exclusionary impact with individuals who have been disconnected from country and community and are trying to reconnect as well? And what does that mean in this context? We have to have people in this space and in these positions who are connected to and understand this community and also have the relationships to be able to drive effective change in this community.

**MS McGRADY:** How have these roles and their responsibilities been communicated to the community?

**Ms Cross:** You mean when we are advertising and recruiting—

**Mr Dillon:** We have changed the language in our recruitment processes so that our advertisements more clearly highlight the roles, responsibilities and also the connection that we are requiring. We have also engaged in much broader levels of advertisements. We have tried to engage on a national level as well in terms of our advertisements. Sorry, I lost the train of the question. My apologies.

**Ms Cross:** I was going to say that we also have information and resources on our website that are regularly promoted, and they are specific to Aboriginal and Torres Strait Islander people. Those resources are available.

**MS McGRADY:** How do you ensure that the advice that they give is culturally appropriate?

**Mr Dillon:** That is a test that has to happen again and again. We can never take a one-size-fits-all approach. We can never take a single person or a single part of our community as having the ultimate advice on almost anything, maybe with some exceptions. The way that we do that is to ensure that we are broadly consulting across a good cross-section of the community with a number of stakeholders on issues for us to understand the breadth of the issue and the experience here in the ACT as well.

**MS McGRADY:** Thank you.

**THE CHAIR:** What concerns me is that you said you advertise out of the ACT, so some of the people who apply for the jobs or could get one the positions are not from the ACT and the advice from them would not be culturally appropriate because it is different.

**Ms Cross:** Yehuwdiy pointed to that fact that some of the work that we do is national work and participation in national forums. I would also make the point—I hope this is alright—that the Aboriginal and Torres Strait Islander community in the ACT comes from a diverse range of areas. Obviously, once you come here, we want you to understand the local context, but I do not think we would ever exclusively recruit people who were from the local community. I think you can bring people in to work on different projects.

**THE CHAIR:** It is a diverse community, but the issues are in the ACT.

**Ms Cross:** Yes. You would need to pick that up. As I said, we have a partnership team in the Health Directorate, so there is a source of advice and support for people, including non-Indigenous people, if they are talking to the local community.

**Mr Dillon:** You will probably hear this from all directorates, and we certainly raised it at the national roundtable forum last year as a jurisdiction, that the health workforce is in a fairly diabolical state. What we are hearing from our community providers is that finding Aboriginal and Torres Islander people who are suitably qualified and have the experience to undertake certain roles is very difficult locally. So there is also an element about how we are building local capacity with community.

**THE CHAIR:** When you go out and meet nationally, you do not go out and do culturally appropriate services or cultural awareness of what happened in the ACT. There has to be a focus and a more on ACT—

**Ms Cross:** The people in the national forums are putting forward an ACT view and an ACT perspective. They are familiar with working in those sorts of national forums, which can be useful. There was a major roundtable in Adelaide. The minister and I attended and we supported Julie Tongs to bring the Winnunga perspective, and we had a member of Yehuwdiy's team who has done a lot of work in the ACT but was not actually ACT based at the time that she joined. So you get a mix, and sometimes it is a mix of perspectives, but it is very much driven by what is happening in the ACT and what we want to happen in the ACT.

**Mr Dillon:** That is a really good example. One of the things the directorate has been doing is supporting some of the Aboriginal and Torres Strait Islander employees who may not be local. A particular person was able to come to the ACT, live here for a number of months and form connections and relationships with service providers and with community in order to facilitate that work.

**MS McGRADY:** It is very important to have the expertise, whether or not we get it outside of the ACT, in other states and other jurisdictions. It is very important for us to have that expertise in the rehabilitation space and in the health space. We recognise that as well. When designing roles, what are the requirements for specifying identified or special measures roles?

**Ms Cross:** We have the ACT Health Workforce Strategy which identified that we need to have a number of identified positions in the workforce, and that was based on extensive consultations on the workforce strategy. That came out of consultations—that we needed to have those positions—and we are now in the process of actioning that. More generally in the directorate, I might refer to Yehuwdiy. Would you like to respond?

**Mr Dillon:** Absolutely. It is important for us to recognise as well that there is a responsibility for each of our organisations to make our organisations culturally safe and responsible so that Aboriginal and Torres Strait Islander people do not have to just apply for those identified positions; they can come into any position in the directorate. That is an important thread we should not lose in that narrative.

**MS McGRADY:** Yes. Thank you. How many Aboriginal and Torres Strait Islander people are working on projects or programs that are not specifically for the Aboriginal and Torres Strait Islander community?

**Ms Cross:** I think we would have to take that on notice.

**MS McGRADY:** That is okay.

**Ms Cross:** There is a head count of 18 Aboriginal and Torres Strait Islander staff in the directorate. A number of them are closely involved with the Ngunnawal Bush Healing Farm, but all the staff in Yehuwdiy's team work on programs across the full range of policies and programs. They are consulted on what we are doing in commissioning, and they are not for specific Aboriginal and Torres Strait Islander services but to make sure that the other services pick it up and are culturally appropriate. I would say that all the staff in Yehuwdiy's team work on areas that are not specific to Aboriginal and Torres Strait Islander people, but they also work on some services that are. So we would probably have to take that one on notice.

**MS McGRADY:** That is okay. Thank you.

**Mr Dillon:** I could highlight as well that the directorate's commitment is to ensure that cultural load is considered consistently as part of the discussions around projects and workloads, and there is a great level of sensitivity to what people can and cannot work on in the directorate, given their roles and responsibilities in community.

**MS McGRADY:** Thank you. Regarding recruitment panels, has there been an Aboriginal or Torres Strait Islander person, independent of government, as part of the panel to help with assessments?

**Mr Dillon:** We could probably talk about the Bush Healing Farm recruitments.

**MS McGRADY:** No—just on recruitment panels, general panels.

**Ms Cross:** I am not sure. Again, I would have to check with the People Strategy and Culture branch. I suspect that there are some panels where they are and others where they are not, but, if it was an Aboriginal and Torres Strait Islander identified position, or a position that was very closely working on an area, then I am sure that is something that we would endeavour to include. I do not think it would be across every recruitment panel for every position in the directorate. If all directorates were to do that, it would put a huge workload on our Aboriginal and Torres Strait Islander staff and any independent people that we brought in. But certainly, where it is a position that works very closely with community, that is something that we look at.

**MS McGRADY:** How does the directorate train and assure the cultural competency of its employees?

**Ms Cross:** I think we have talked about that a little bit in the context of the integrity framework. I am looking at my brief. When I talked about the MurriMatters consulting, to give you a sense of scale, they have delivered 40 Engoori workshops, with 288 staff attending. Certainly, from my experience and from what I have seen, an awful lot of



senior executives have been participating in that, which is important, because that means at those decision-making levels you have that awareness. That is a key part of what we do. It is also part of our induction program, when we induct staff. I will see whether Yehuwdiy wants to add anything else.

**Mr Dillon:** Observable impact is something that we find we are bringing up regularly as well. As an example of impact directly after the Engoori workshops, I note we have had areas who reached out and specifically dedicated segments of their budget to further cultural training. We have also had reach-out from managers and leaders around rolling cultural capability elements into professional development plans for employees, and having funding sit alongside that, too.

**Ms Cross:** Thank you for reminding me; we had money in our budget for wellbeing initiatives for each area of the directorate, and in a number of areas the wellbeing initiative they chose was to do something on country—to have cultural wellbeing on country. That was really encouraging, again, as a result of the impact of the work we have been doing; there was this huge interest in and awareness from staff across the directorate.

**MS CHIVERS:** You mentioned that 288 ACT Health staff had participated in the MurriMatters workshops. So that we can get an idea of scale, what percentage of total ACT Health staff would that be?

**Ms Cross:** The number of staff varies. At the moment it is probably between 800 and 900, so you would be getting close to a third of staff.

**MS McGRADY:** My next lot of questions is around priority reform 4. How are you progressing the principles of Indigenous data sovereignty?

**Ms Cross:** I am really glad that you have moved to this area, because it is an area where we have been doing a lot of work. Again, a lot of these things take longer than we would like, but we have been doing a lot of work in this area; in some ways—maybe I am overstating it—we are leading the whole-of-government effort in this area, in the work that we are doing. I will ask Yehuwdiy to give you a bit of an overview of what we are doing. This has been a big focus for us, and we are getting to the point where all of the hard work will start to come through.

**Mr Dillon:** Absolutely. About 12 months ago we started work with the national group that was putting together the Aboriginal and Torres Strait Islander health roundtable. In that group, we raised with every jurisdiction a range of topics to be discussed at the national forum. One of the critical elements in that was Indigenous data sovereignty and governance.

We also had a range of other work happening in the background prior to that, around data linkages projects, for example, and other data work in the background for ACT Health. We have developed a relationship with Professor Ray Lovett and the Maïam Nayri Wingara, MNW, group. They are currently contracted to work with ACT Health to undertake a new Indigenous data sovereignty and data governance project.

We have committed money from the last financial year and this financial year to that



project and have coordinated across government as well. We have made sure that we have coordinated with OATSIA and CSD. We have also been going through IDC and we have presented through the various government data groups as well.

Our project is sharp and narrow. We have kept it sharp and narrow, specific to ACT Health, and we have been very explicit with every single stakeholder that, whilst it plays into broader national and local agendas—for example, the work that the NIAA and CMTEDD are undertaking in this space—we need to achieve outcomes for ACT Health with First Nations people in the ACT. We are keeping our project sharp and narrow.

We have also been explicit that we are engaging with the Health Directorate, both in their training and in transparency, in ensuring that everyone has line of sight into our project so that they can learn from the good choices we make. When we do make mistakes, they can learn from those as well.

We are currently in phase 1 of the project. We have a pilot project of training booked around Indigenous data sovereignty and governance with MNW, Professor Ray Lovett, and we have a list of people who we are inviting to that, including the Elected Body.

**MS McGRADY:** Will that appropriately identify Aboriginal and Torres Strait Islander people receiving services in your directorate?

**Ms Cross:** The sovereignty issue is more about the ownership of the data. In terms of Aboriginal and Torres Strait Islander people receiving services, early in the tenure of the Elected Body, we put together a presentation that presented all of the Aboriginal and Torres Strait Islander health data. We provided that to our then elected body member, and I believe she may have had a presentation to the Elected Body.

We have some work within the directorate already to pull together what data we hold about the health status of Aboriginal and Torres Strait Islander people, how that compares with non-Indigenous people, and how that compares with other parts of Australia with a similar income level, because that is sometimes a more relevant comparison. We always have a lot of room to improve, but we have data on the services provided and so on. The data sovereignty is really looking at the ownership of the data and custodianship of the data as well.

**Mr Dillon:** Yes. Data sovereignty is really looking at the creation, collection, ownership, application and governance of that data. We have made sure that part of our contractual obligations for the next phase is that, with the workshops that we are piloting with ACT Health and other government staff, they will also be available to community. So we will have a shared understanding of that journey.

**MR WALKER:** Rebecca, are you talking about the start of this term?

**Ms Cross:** Yes; when Leah was our elected body member.

**MR WALKER:** I wanted to say that we did not really receive that presentation. Would you be able to provide that to Member McGrady?

**Ms Cross:** Yes. We would be very happy to provide the PowerPoint. It goes to issues

like preventive health, access to services and all of those things.

**MS McGRADY:** I will ask some directorate-specific questions around the national agreement. The national agreement target is that, by 2028, 91 per cent of babies born to Aboriginal and Torres Strait Islander mothers have a healthy birth weight. The latest data from the Productivity Commission show the ACT not having met this number since 2018. Do you have updated local data on this outcome, and what are you doing to close the gap?

**Ms Cross:** Again, I am happy to take on notice what is the most up-to-date data that we have. The main point I would make is that, for a number of these indicators in the ACT, the sample size is very small. You could get minor fluctuations; occasionally, there will be a slight change in the numbers, but it is not statistically significant. I am happy to provide the data that we have, and we can give you that trend of data as well, but with the caveat that, because of the small population, often it is not reported for the ACT and other small jurisdictions. I do not know whether you have that data to hand, Yehuwdiy.

**Mr Dillon:** Probably not for precisely what you are asking about, but I know from prior conversations that as few as two to three babies can make a significant difference to our data. Those are the kind of numbers we are talking about. Also, it needs to be recognised that every single child is critically important.

**MS CHIVERS:** In relation to that, putting the data aside, what are you actually doing to close the gap? That is the other part of the question that the Elected Body are really interested in.

**Ms Cross:** On the healthy birth weight?

**MS McGRADY:** Yes.

**Ms Cross:** I am looking at the briefing which, again, is saying that the changes we have seen are not statistically significant. There has been no change in the rate for the ACT. I talked earlier about the First 1,000 Days strategy, which is focusing on babies through to year 2, and it includes the time when the mother is pregnant. That strategy is very much looking at how we improve outcomes. We have a number of other strategies in the ACT Health system, like Maternity in Focus, which is also looking at that.

With respect to whether there is anything that we are doing specifically with the Aboriginal and Torres Strait Islander community, there were three recommendations in Maternity in Focus. One was looking at more birth on country. I cannot remember what the other two were, but a number of reviews have been done and there are recommendations which we are actioning.

I will see whether I can find the Maternity in Focus one; again, there are quite specific things we are doing which are aiming to address the issues for mothers when they are pregnant and when the child is initially born, so that we get the best possible outcome. In that Maternity in Focus, at least three of the recommendations were specific to Aboriginal and Torres Strait Islander families.

**Ms George:** Can I help with that one? The other ones were continuity of maternity care,

to expand midwifery-led care for women, and to improve access to post-natal transition for Aboriginal and Torres Islander people and others.

**THE CHAIR:** Through Winnunga?

**Ms George:** Was it specifically through Winnunga? I will get some information on that.

**THE CHAIR:** The First 1,000 Days: who is that through?

**Ms Cross:** That is a joint strategy that was launched by the education and child and families ministers—Minister Berry and Minister Stephen-Smith.

**THE CHAIR:** Is there data on how many Aboriginal mothers are accessing that?

**Ms Cross:** It is a broad strategy which is about how we improve services and support in those early days. We can have a look at what data we got through the Maternity in Focus report, if that is useful.

**MS McGRADY:** How many Aboriginal mothers access continuity of care compared to other people? If you could take that one; thank you.

**Ms Cross:** Yes.

**MS McGRADY:** With the ACT agreement, describe the progress against the cultural safety framework, with increased vaccination coverage rates of Aboriginal and Torres Strait Islander people in at least two of the following three cohorts: 12 to 15 months, 24 to 27 months and 60 to 63 months, relative to the baseline under a coverage rate of 95 per cent achieved.

**Ms Cross:** I will see whether Christine has that data. As a general comment, in the vaccination area the ACT actually does quite well compared to the national data. I will see whether Christine has any data that she can provide.

**Ms Murray:** Thank you for the question. I have read and acknowledge the witness statement. We have seen variation in relation to the vaccination figures. As Rebecca has indicated, in the ACT we do have strong vaccination generally. What we have seen, though, is a dip-off post COVID, in terms of people who are accessing vaccination generally. I think people have a little bit of vaccination tiredness. I am sure there is a much more technical way of explaining it. We are continuing to push and encourage people to get back onto those regular vaccination cycles.

**THE CHAIR:** How are our Aboriginal mothers supported? Is there extra with Winnunga? Is there access? Not many of our Aboriginal women access the child and family centres to get the information. How would you get the information out to the wider community of Aboriginal women?

**Ms Murray:** We have some work that we do with Winnunga. Winnunga is probably one of our strongest relationships. We do send that information out. We do find that West Belconnen Child and Family Centre has a really strong connection to the local community in the west Belconnen space. We are always open to feedback and ideas on

how we can support people, and even to have those deep conversations with care providers on vaccinations, to allay any fears.

Obviously, general practice is another really important connection, which is another reason why Winnunga is a strong access point for us. It is those trusted relationships where those deep conversations can be had. That being said, I want to reiterate that we have a really good vaccination rate across the board in Canberra. We are just being open and honest that we have seen a dip broadly in relation to vaccinations generally post COVID, so we are on to it.

**MS McGRADY:** Nought to five year olds: how are you providing an increase in the proportion of Aboriginal and Torres Strait Islander children and young people accessing early support health services?

**Ms Cross:** I am not sure that I am going to be able to answer that question.

**MS McGRADY:** I think there might be a typo. Increasing the proportion of Aboriginal and Torres Strait Islander young people accessing early health support services: is there any figure around that?

**Ms Cross:** That, potentially, is the First 1,000 Days work, which is a really collaborative cross-directorate effort. As Ms Keed was indicating earlier, the child and family centres play a part. Winnunga plays a really critical part in that place and space, as does the education system, in terms of identification. Some of those are CSD responsibilities.

**THE CHAIR:** I appreciate that you are tracking all of this here. Are there any barriers to stop women accessing this service? I am thinking about CYPS intervention or transport issues; are there any barriers that you have come up against?

**Ms Cross:** I would make a general observation, in terms of accessing health services, that it is actually quite hard in the ACT for some people to access general practice. I think that is relatively well known. We have one of the lowest numbers of GPs per head of population. We have very low rates of bulk-billing, and quite high out-of-pocket expenses.

A lot of GPs, even if they do not advertise bulk-billing, will bulk-bill people on low income and will bulk-bill children. But if that is not well known, I would say that is possibly the biggest barrier. You would know that Winnunga promotes itself extensively in community so that people know they can go to Winnunga. I think that the biggest barrier is affordability. It is worse down at the coast. I had a chest infection and thought that I would book a GP, and I could not get a GP appointment, or I could not find one, within about six weeks. For people in Canberra, that is sometimes a barrier, but that is why Winnunga is such an important service for community.

**THE CHAIR:** How are you supporting in terms of those barriers?

**Ms Cross:** In terms of access to GPs? As I said, I think it is the fact that we have quite extensive contracts with Winnunga, so that they are available for community. I hear them promoting the service regularly. That is probably the key way. We are also

working with the commonwealth on a primary care pilot, which is to try and provide better support for people through primary care and an urgent care centre, so that people do not need to go to an emergency department. There are a lot of initiatives that are underway, and we would hope that they target people who have difficulty accessing services, particularly for affordability reasons.

**THE CHAIR:** That initiative is probably a little while off. Is it designed specifically for Aboriginal and Torres Strait Islanders? Will you have a conversation with community?

**Ms Cross:** The primary care pilot?

**THE CHAIR:** Yes.

**Ms Cross:** We have been negotiating with the commonwealth. With the parameters, it has been designed around supporting people with chronic health conditions. As we get to the next stage of working out which GP clinics will be involved, absolutely, we would need to look at how they will connect in with the Aboriginal and Torres Strait Islander community, particularly those with chronic health conditions or those who regularly need to go to the emergency department. We are at the stage of working through which general practices would be involved in the primary care pilot.

**THE CHAIR:** I just got a message from community, and it says, “We can’t access paediatric services, speech therapists; clinical psychologist specialist services are non-existent.”

**Ms Cross:** Yes. There are a number of areas where there are workforce shortages in the ACT.

**THE CHAIR:** There have been for a while, Rebecca. I listen to community. There are a lot of young mothers that I work with whose kids are having trouble with their speech. Aboriginal children are being put in the back of the class or are way behind in classes or learning.

Why haven’t we progressed? Why aren’t we any further ahead with this? A message has just come through from community with concerns. How far off is this? It is urgent. I do not want to talk about personal stuff, but I know from personal experience that this has delayed our Aboriginal kids, and not having access is frustrating at times. How far off is this, and is it going to happen?

**Ms Cross:** In some instances where we have these shortages, these are national shortages. It is not just that we cannot recruit these people in the ACT; everybody across Australia is having trouble recruiting them.

**THE CHAIR:** Being a small jurisdiction, and as it is a priority within our agreements, you would think that it would be at the top—you talked about early childhood—yet we are so far from it. As a small jurisdiction with a small number of Aboriginal people, you think, “Hang on a minute; if our kids are dropping behind, maybe we should just push this way a little bit.”

With the COVID vaccinations, we are right up there, but we are talking about our Aboriginal and Torres Strait Islander babies. They are the next generation coming up. Come on; we have to start moving forward and thinking, “Hang on a minute; if this is where we are behind, why aren’t we getting close?” I sit with a lot of mothers that are in tears. It only came out the other day that maybe this little fellow had hearing issues. I was thinking, “That should have been tested.” This little fellow is in year 1, and he can’t have access to that.

**Ms Cross:** No, I completely agree, and I think we would all agree, that early identification and early intervention are absolutely what is needed. Again, I am not the right person, but I think there was an expansion of the child development service in a recent budget. Again that is an ACT government service which is very much targeting children who have development needs, and targeting that early. I think there was an expansion of that service to employ more allied health professionals. Again that is not within the Health Directorate; that is within the Education Directorate now.

**THE CHAIR:** In the interim will they fund fly-in and fly-out specialists?

**Ms Cross:** The Canberra Health Services does on occasion bring down specialists from Sydney to offer clinics and things in Canberra. Jacinta has been doing a lot of our health service planning, because we are very conscious of this issue.

**THE CHAIR:** If that is the case, how can we get it advertised—through Winnunga, through whatever health services you have—to make sure that our mums, dads, grandparents and caregivers have access to specialist services?

**Ms George:** The Minister for Health established an expert panel on child and adolescent health services to guide us to complete a child and adolescent health plan. They have identified a need to connect the assessment process, the CSD process, with the health process, the treatment. There are also barriers to access by Aboriginal people. We spent Reconciliation Day doing some surveys, talking to Aboriginal families, and access to specialist treatment was something that came up a lot. The chair of the panel, Professor Brydon, spoke to a number of families about the issues they have been having. The panel is looking at that evidence and working out how we can get a smoother system and better access for Aboriginal people. I expect that will be a key recommendation in their report.

**THE CHAIR:** With the speech therapist issue, that can delay our kids with a lot of stuff—moving forward with their learning and with other things. I refer especially to kids with English as a second language.

**MS CHIVERS:** The thing that concerns me is that, in a lot of your responses and in talking about how you are promoting services to young families and mothers et cetera, there does seem to be more of a focus on using Winnunga. I am concerned because we know that a lot of our Aboriginal and Torres Strait Islander families in the ACT actually do not use Winnunga. How are you actually targeting those families?

**Ms George:** That is something that has come up. We have been doing a plan for the north side residents of Canberra to inform the planning for the hospital, but we have broadened it out into community services as well. The number of Aboriginal families



with young children with a disability or chronic condition who have challenges with accessing health services has come up.

Our next step is to look into that and to make recommendations about what services are needed so that people can better access them. We do understand that not everybody chooses to go through Winnunga, and it is based on the south side. This information has come to us from a lot of parts of the community and we are working through what recommendations might be good to be put into action.

**MS McGRADY:** We cannot expect Winnunga to be everything, health perfect, for our community in the ACT because that would be so exhausting, for one medical centre. But there are the geographics regarding our mums with children, families, that do live on the north side and in other areas. Income also plays a part in mums having to get their bubs to appointments. Can we expand that in some way and pay attention to that?

Tanya and I have spoken about this often—from when these mums are pregnant with our Aboriginal and Torres Strait Islander babies. Absolutely, there are the 1,000 days. We would like to see a lot of attention paid to that, while being mindful of those differences, such as geographic issues. Not everyone will access Winnunga, but we need to make sure that, whoever that Aboriginal child is, they get the best support. It is those topics like ear, nose and throat issues, hearing issues and speech pathology. I dare say that it has touched our lives as well, in a personal capacity. It is quite a common theme.

**Ms Cross:** It would probably be worth asking CHS similar questions because they have the community health centres and they employ a lot of allied health professionals there. One of the things we have been looking at is how we can, through the primary care pilot, get better bang for buck out of those resources, if that is the right term to use. We will be working with CHS on establishing health hubs across the community. That is another government commitment. There are a lot of opportunities to pick that up.

**MS McGRADY:** Yes. We would really want to engage a lot more with ACT Health, for the rest of our term, anyway.

**Ms Cross:** Again, the report on child and adolescent health—Jacinta is supporting the process—will definitely go to these sorts of issues.

**MS McGRADY:** Next topic: drug and alcohol rehabilitation. Provide an update on the establishment of residential rehabilitation for Aboriginal and Torres Strait Islander people in the ACT. We already have the answer to this question but I will ask: we understand that the budget announcement described \$45 million for the Watson health precinct. We believe that \$70 million was set aside for Winnunga. Does this include capital and operating costs?

**Ms Cross:** I will hand over to Ms Lopa, who is managing that process.

**Ms Lopa:** Thank you. Winnunga has been provided funding, which is some recurrent funding and operational funding, as well, for training-up of their staff—I just cannot remember what that is off the top of my head—as well as the capital funding for the building of the building. So, basically, they are in control of all of that: designing the



services, building the building—not themselves, but hiring an appropriate contractor to build the building!—and then operationalising it. We will still need to work in partnership with them on the subdivision of the land, the servicing and all those things, which we are doing. So, yes, they have the capital funding and they also have some operational funding to be training-up those staff and be ready for it to open.

**MS McGRADY:** That is great, thank you very much. Questions from anyone? No. Provide an update on the zoning and conditions of the operation of the Ngunnawal Bush Healing Farm. Acronyms are my worst nightmare.

**Ms Cross:** I will try and answer this, and Jacinta will jump in if I get any of this wrong. I think the zoning of the Ngunnawal Bush Healing Farm land does not allow for clinical services to be offered, but the bush healing farm concept is about the healing journey. It is for people who have finished their drug and alcohol rehabilitation—they no longer need that as a clinical service per se—and they are going to the Ngunnawal Bush Healing Farm for healing, general life skills and all of those sorts of things. That is consistent with the zoning, and that is the same model that we are looking at for the residential program. I am looking at Jacinta and she is not jumping in so I must have got that right.

**MS McGRADY:** So the zoning issues were about residential?

**Ms Cross:** So the zoning issues came up some years ago, when I think a tender was let. It was for more clinically-based services, and then it was found that that actually was not consistent with the zoning so that service could not be offered there. That was some years ago. Since then we have been operating as a healing farm with day programs.

**Ms Lopa:** So it will not impact a residential program that is based in the healing community. The current zoning will fit that model. It is not something that is stopping us going to residential.

**Ms Cross:** The residential model will not be a clinical one; it will be a healing process so it is fine for the day program, and it will be fine for the residential program.

**MS McGRADY:** Okay. What is the status of the review into the Ngunnawal Bush Healing Farm?

**Ms Cross:** I think we got the report from the consultants that we engaged about a week ago. I am only just back from leave. This is my first day back from leave today so I have not seen the report, but obviously we will have a look at the report and do appropriate briefings and then work out the next steps.

**MS McGRADY:** So, the next question you cannot really answer. It is: what are the key recommendations from the review?

**Ms Cross:** I think even if I had read it, we are not at the stage of reporting that publicly. There are some internal processes we need to go through. Obviously, some of the first people we would want to talk to would be the existing other members of the advisory board. We think it would be most respectful to engage with them before we enter into some sort of discussion.

**MS McGRADY:** So, how many programs have been run at the Ngunnawal Bush Healing Farm since the 2020 elected body hearings and how many people have participated?

**Ms George:** I can tell you how many since it was established in 2017, but I will take on notice the number since 2020. We are in program 14 at the moment, with 15 planned. We have had 154 clients since that time. We have 18 clients registered for the current program. About eight of them engaged in the program regularly.

**MS CHIVERS:** Can I just ask, in relation to the 115 that you mentioned—

**Ms George:** It was 154, sorry.

**MS CHIVERS:** I guess what I am interested in is the fact—and we have heard this previously as the Elected Body—that, yes, that might be the number of people that commence the programs, but by the end of the programs quite a few have dropped out. You said there were 154. Is that how many have commenced or is that how many have actually completed the program?

**Ms George:** It is the number of commencements, but I will look for, and get information for you, on the number of graduations—so, people who finished. Some of those 154 are repeats—people who have come to a number of programs, but I will get the graduations.

**MS CHIVERS:** I think that would be good, because we have had some concerns that there may be quite a high number of commencements but then the number of people who actually complete the programs is significantly quite low. So, that would be good.

**Ms Cross:** I think it varies from program to program. And, again, during COVID we had to do some of them virtually rather than face-to-face. Those things can impact. I think one of the benefits of the residential program is that once people are there they will stay there on the farm and not have the day-to-day distractions that can happen when you go home. So, yes, we are very conscious of that as well.

**MS CHIVERS:** Although I note that it seemed to be initially from prior to COVID, so it is not just a COVID—

**Ms Cross:** No, no; I was just saying that during COVID I think the hybrid model was just another factor that was a contributor.

**MS McGRADY:** What are the role and skill sets required for the elders in residences?

**Ms George:** I will provide information on the full list of skills that we required, but it is an Aboriginal person who can provide advice and mentoring to clients as they need it, but to the program in general about the most culturally appropriate way to approach the program. At the current time we have appointed one elder in residence. Part of the budget appropriation for the residential program is to look at that and expand that, if we can, as we move into a residential program.

**MS McGRADY:** So we have the day programs operating now. Do you have any idea

about the residential programs—or no?

**Ms Cross:** Well, we are still actively engaging on establishing the residential program. Before we took any final decisions we would want to have the advisory mechanism in place, and, as you know, that is currently suspended, but we are still actively engaging with organisations that have experience in delivering these types of programs—actively engaging with them so that when we are ready to take the next step we have actually done that detailed investigation of the sort of model you would put in place or the key components and what the critical success factors are.

I think as we said earlier, we would like that to be delivered by an Aboriginal-controlled organisation. Whether we can get there in the very first step will depend on who is available to run it, but we are still working very hard on the residential program so we can get that up and running as soon as possible. We know members of the community are really keen to have that service available, and we are too.

**MS McGRADY:** Also take note that we have been having those discussions as well with Yehuwdiy.

**Ms Cross:** And, again, this is not just something that we talk about at these hearings, as you would know, Paula. It is an active discussion every time we meet with our elected body of representatives.

**MS McGRADY:** It absolutely is.

**Ms Cross:** And we know the importance that is placed on this program.

**MS McGRADY:** Yes, thank you very much.

**MS CHIVERS:** Noting that Jacinta has taken on notice the skill set in relation to the elders-in-residence component of the healing farm, the other thing that community are really interested in is that it does not appear that it was advertised more broadly when you were commencing the elders-in-residence program and that community, and especially elders in the community, are concerned that they did not actually get an opportunity to apply for that program to be the elders in residence.

**Ms Gross:** That is also, I think, my recollection, but can we take that on notice and just go back and check what the process was. It may have been a process that involved the board rather than community, so if we can take that on notice, we will come back to you on that.

**MS McGRADY:** Health planning: how is the ACT contributing to the national health sector strengthening plan?

**Ms Cross:** I am just checking; is this about the—

**MR WALKER:** Sorry, I have just one more question on the bush healing farm. The history of it obviously was that it was never intended to be a clinical one because of the zoning of it. I know that, from history, it has been about two years at the tribunal answering lots of complaints about it being built out there. Then I guess one of the

decisions was made because of the residents in the area fearing about having residential care and Aboriginal and Torres Strait Islander people out there going through rehabilitation. Obviously, now that we are looking at providing residential healing, I guess we want to know what is the progress? I know that Winnunga is involved in building another rehab but it is just that it seems to be, a little bit obviously, a long time coming now because it has been sitting out there kind of underutilised—because, out of 154 graduating, you said you would take on notice to find out how many started the program and how many have completely finished it. It is a big space to be sitting out there and being underutilised, as it is.

**Ms Cross:** Yes. I think the bits which are underutilised are the accommodation components. Certainly the rest of the centre is being used for the day program. We have also been encouraging different groups to hold meetings at the bush healing farm because it is such a beautiful site, beautiful facility. So it is—I agree with you completely—underutilised, particularly the residential rooms, and it has taken way too long. I do not disagree with that at all, and at the moment our priority is just to see how quickly we can get up and running a good residential program, delivered by an Aboriginal and Torres Strait Islander provider, that meets the need of community.

Once the residential rehabilitation centre is built at Watson, you would expect that there could be referrals between the two—that when someone finishes at that centre, the next step in their journey might be to go to the Bush Healing Farm. Again, that is something that as we develop the model we will absolutely be looking at, but there will be plenty of other people who can benefit from the Bush Healing Farm, who will not come directly from the that referral pathway.

**MS CHIVERS:** In relation to the amount of money that the healing farm has had spent on it, 154 people commencing programs in six years is not a lot of people over a six-year period. The community is quite frustrated about the cost in relation to the healing farm in that regard, and often feel that the money that is being spent on the healing farm could be better spent on other programs for Aboriginal and Torres Strait Islander people in the community. Yes, I understand what you are saying about utilisation, but even taking that into account 154 commencements in six years is incredibly low.

**Ms Cross:** It is not ideal, and we could go back through the history and unpack the different issues. Sometimes it has been about our access to staff to deliver the program; other times there have been other issues. I think, Jacinta said we got 18 referrals, but at this stage eight people taking it up. All of these things are incredibly complex, and I do not want to give a simplistic answer, but we are conscious of that, and I think there is nothing else like the residential program here. If we can get the residential program operating, we would hope to see, based on similar services offered elsewhere in Australia, some really positive outcomes. That is what we are aiming for.

**MR WALKER:** This is probably the last question on the bush healing farm, Madam Deputy Chair. When the review is seen by yourself, and you have talked to everybody involved, will there be opportunity for other uses to be considered for the bush healing farm—for women and children, in particular. Some of our community members think that it is not up to the government to decide who uses the facility. Obviously, criteria should be developed in relation to the community needs, and hopefully they can be utilised from that advice, as well.

**Ms Cross:** I think at the moment the government commitment is to our residential service on the Ngunnawal Bush Healing Farm. One of the things you would need to consider is, if you have got a residential program running, whether you could do anything else on site at the same time, or whether you would specifically do that. Again, that is something we are very happy to look at and consider, but the commitment at the moment is to have a residential program running there. Again, depending on what the model of care is, whether that is 52 weeks of the year, or whether it is a 20-week program and then a break, we just do not have the level of detail. That needs to be worked through, but I am certainly happy to take on board that feedback and consider that.

**MS McGRADY:** Any more questions? No. Moving on: health planning. How is the ACT contributing to the national health sector strengthening plan, which is part of the national agreement? It is priority reform 2.

**Ms Cross:** I am just going to check whether Yehuwdiy has any information on that. This is the national strengthening plan. Could we take that on notice? Sorry, Paula.

**MS McGRADY:** Yes; take that on notice. How do you ensure that all new ACT health programs, strategies and policies take into account any impact on the needs of the ACT Aboriginal and Torres Strait Islander population?

**Ms Cross:** There is a wellbeing impact process that goes through any sort of new policies that are being put forward to government. That works quite specifically at the impact on Aboriginal and Torres Strait Islander people. If they are programs and strategies being developed within the directorate then, as I said, we would usually engage with the partnerships team to make sure that any consultation processes were appropriate, that any requirements of a provider were appropriate. That is a really important role that Yehuwdiy and his team play. They are probably the two key mechanisms.

**MS McGRADY:** How has the directorate adjusted service delivery effort for Aboriginal and Torres Strait Islander young people, given the growth in this portion of our population?

**Ms Cross:** Again, I am just wondering whether you want to talk about some of the services we are doing in mental health, Elizabeth, for young people, because that is an area—it is not necessarily specific to Aboriginal and Torres Strait Islander people—where we are particularly looking at a trauma informed approach for young people because that is so important in this area. Maybe, Elizabeth, you could talk about what we are doing there?

**Dr Moore:** There are a number of things we are doing in the children and young persons space, and Aboriginal and Torres Strait Islander people have been part of the process. We have a children and young persons community of practice that Gugan sometimes attends. People come in and out of that. We recently had our first formal meeting of the children and young persons services alliance, at which Gugan was a major player.

One of the things that we are doing in that space is to ensure that there are good connections between services, and that people learn from each other. It is particularly important that there is cultural awareness, no matter what the service delivery is. We also have a trauma-informed position statement that we have been developing, and that is particularly important in, obviously, the Aboriginal and Torres Strait Islander space with the stolen generations, with the continuing trauma that people feel.

**MS McGRADY:** Who is contributing to that?

**Dr Moore:** It was done through our mental health policy and strategy team. There was wide-spread consultation through the Office of Aboriginal Affairs, CSD and service providers.

**MS McGRADY:** Look, I have another question while you are at the table, Elizabeth. It is around mental health. What is the plan to meet demand for crisis mental health services for Aboriginal and Torres Strait Islander people?

**Dr Moore:** There are a number of things in this space. In terms of crisis, we have PACER, of course. PACER is the Police, Ambulance and Clinical Emergency Response, and that is run through CHS, so I would ask CHS more about the actual operation of that, but certainly that was set up to be culturally appropriate. In other spaces, there is the detainee mental health strategy, although that is AMC specific. We also have an input into Bimberi, obviously, and we would want that to go across both sites.

**Ms Cross:** Chair, I just wanted to check. I am fine until about five to three, but we were meant to be finishing at 2.30. I am not sure whether—

**MS McGRADY:** Yes, we are a lot over time.

**Ms Cross:** —other people are meant to be in other meetings, that is all.

**Ms Chivers:** Could you put any other questions on notice?

**MS McGRADY:** I can, yes. Would you like me to?

**Ms Cross:** I am happy to keep going. I am just conscious that some other people might have other meetings that they were meant to be at; that was all.

**MS McGRADY:** Yes. Do we have people waiting as well?

**MR WALKER:** We will have, so you can provide the rest in writing.

**Ms Cross:** Sorry.

**MS McGRADY:** No, do not be sorry; it is okay. Thank you very much for the input today, and the information.

**Short suspension.**



Appearances:

Canberra Health Services

Peffer, Mr Dave, Chief Executive Officer, Office of the Chief Executive Officer  
Smith, Ms Josephine, Executive Branch Manager, Strategy and Governance  
McKenzie, Ms Kate, Executive Director, Health, Justice Health and Alcohol and  
Drug Services  
Pilkington, Ms Suzanne, Acting Executive Director of Women's, Youth and  
Children Division  
Morris, Ms Jo, Executive Director, Allied Health  
Coulton, Ms Janette, Executive Branch Manager, People and Culture  
Zagari, Ms Janet, Deputy Chief Executive Officer

**THE CHAIR:** Good afternoon. My name is Tanya Keed. I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all members of the Elected Body and would like to introduce them: Paula McGrady, Deputy Chair, with the portfolios of Transport Canberra and City Services, ACT Health and our representative on the Coalition of Peaks; Maurice Walker, member, with the Education and Community Services portfolios; Jo Chivers, member, with the Justice and Community Safety portfolio; and Deanne Booth, member, with the Major Projects Canberra portfolio. Member Booth will be leaving early today.

We would like to thank Canberra Health Services for the relocation of the Aboriginal and Torres Strait Islander waiting area. The new location and facilities have been noted by the community. We would also like to congratulate the Canberra Hospital Aboriginal and Torres Strait Islander Reference Group on their ACT NAIDOC award.

Please could all witnesses who give evidence during the hearings acknowledge the witness statement, for the record. I would like to invite Director-General Dave Peffer to make an opening statement before commencing the questions. Please can you limit your introductory comments to two minutes.

**Mr Peffer:** Thank you, Chair. I was not planning on making an opening comment. I confirm that I have read and understand the witness statement.

**THE CHAIR:** I will start with priority reform 1: partnership and shared decision-making. We have also got questions from community too. Jo, have you got a couple of questions from community you want to ask later on?

**MS CHIVERS:** I can send them to you, but I can, yes.

**THE CHAIR:** How is the directorate working with the community to share decision-making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community?

**Mr Peffer:** Thank you, Chair. I will start off, and I might have some of my team members join me. The thing that I think is a good showcase for us as an organisation—and you have quite rightly pointed out that it has taken out more than one award in recent years—is our consumer reference group. This is a reference group that was stood up under my predecessor, Bernadette McDonald, and I think it has served the



organisation enormously well.

It is a reference group with members—not professional meeting attendees but people who actually use our services, and some of them use our services quite frequently. On that reference group we have not just local folks from Canberra; we also have people from interstate, recognising that, at any point in time, anywhere between one in four to one in two of our beds is occupied, per specialty, by New South Wales residents. We have Aboriginal and Torres Strait Islander consumers who participate as part of that reference group.

It performs two functions. The first is that it allows the organisation an opportunity to test its thinking and consult and engage with Aboriginal consumers on the design of health services, infrastructure projects, policies and procedures. The second function it performs is that it allows our consumers to have a direct voice to not just me but our executive leadership team within the organisation. It allows them to put on the record what is important to our Aboriginal and Torres Strait Islander consumers: what matters to them; differences that they would like to see in the health service; and, from time to time—and I certainly benefited from being a part of these conversations—some complaints about what has not gone right in the health service and what needs to improve.

**THE CHAIR:** How many new formal partnerships has your directorate established since 2020?

**Mr Peffer:** New formal partnerships?

**THE CHAIR:** Yes.

**Mr Peffer:** I am not aware of any formal partnerships that we have established.

**THE CHAIR:** Have you ever met with Winnunga?

**Mr Peffer:** Yes.

**THE CHAIR:** How are they resourced?

**Mr Peffer:** We do not provide, strictly speaking, resources for Winnunga. We have an interface between some of our services and their services. We can expand on what that looks like, but funding for that body does not come through the health service. That comes through the ACT Health Directorate.

**THE CHAIR:** Provide three examples of where you have shared decision-making with the community, in line with the ACT agreement. How was this decision-making formalised?

**Mr Peffer:** I might ask Josephine to join me, to talk in greater detail about this. We have used the consumer reference group extensively, as well as the Elected Body, including previous members, to shape the action plans that sit within the directorate. Would you like to talk about how we have done that?

**Ms Smith:** Hello. I have read and acknowledge the witness statement. Sorry; can you repeat the question?

**THE CHAIR:** Provide three examples of where you have shared decision-making with the community, in line with the ACT agreement. How was the decision-making formalised?

**Ms Smith:** I can use examples of things that we have worked with the consumer reference group on. I guess the biggest is the statement of commitment. In place of a reconciliation action plan, the consumer reference group were very clear that they wanted a statement of commitment, which we developed in collaboration with them through a number of workshops. That statement of commitment hangs now in the foyer of the Canberra Hospital.

Our *Together, Forward* Aboriginal and Torres Strait Islander needs assessment and action plan is also how we deliver on that statement. We developed a community-facing version of that, because it is quite a thick, bulky document with lots of data in it. We worked on a community-facing version that is clear about what the data looks like, what we have delivered on and what our commitments are, moving forward. You mentioned the input into the Critical Services Building design. For example, there is the Aboriginal and Torres Strait Islander family room, the Wamburrang Room and the welcome hall in the Critical Services Building.

**THE CHAIR:** To what level was it funded?

**Mr Peffer:** That specific project? I think we will need to take that on notice. It will not be insignificant funding, I think, on that particular project.

**THE CHAIR:** Priority reform 2: building the ACCO sector. Regarding engagement with ACCOs, how many local ACT-based ACCOs have you worked with in the last two years?

**Mr Peffer:** I will take that on notice and come back to you, Chair.

**MR WALKER:** Chair, you might want to give him the other things that are part of that question. That will all go on notice. Say them on the record.

**THE CHAIR:** Who are they? How have you helped existing ACCOs to grow in size or grow the scope of services? How are you progressing with transitioning services to Aboriginal community-controlled organisations? How do you ensure continuity of care for individual members of the community between ACCOs and CHS care? What new community-controlled organisations have been assisted to be established?

**Mr Peffer:** I am happy to take all of those on notice, Chair. It might be opportune to talk about the work that we do with Winnunga, the interface. It is quite a large one that sits between our mental health and justice health teams and Winnunga.

**THE CHAIR:** Yes. Great, thank you. I just want to make a note that Member Booth will be leaving.

**Ms McKenzie:** Was the question about what is our interface with Winnunga?

**Mr Pepper:** Yes.

**Ms McKenzie:** Thank you. I meet regularly with the CEO of Winnunga. The Commissioner for Corrections, the CEO of Winnunga and I have put a lot of effort into rebuilding our relationship in the last 12 to not quite 18 months. The outcome of that is that we have reintroduced a three-tier formal governance process at the prison to ensure that we have strong, open and accountable relationships and good mechanisms to problem solve at the time that problems arise.

As part of those three tiers of governance, we have agreed to key performance indicators to report. We have put a lot of effort into operational reform. We actually have no waiting times for primary health services in the prison, so we do not need to make a distinction at this stage between Aboriginal detainees and non-Aboriginal detainees. We are meeting all needs within the accepted time frames.

The other outcome is that we have, with Corrections, worked to ensure that our colleagues at Winnunga have more space within the Hume Health Centre. The other thing that I am sure Dr Elizabeth Moore talked about was that we have worked together collaboratively on a detainee health and wellbeing strategy that outlines our commitment to better health outcomes for Aboriginal and Torres Strait Islander peoples who are detained at the AMC.

**THE CHAIR:** Is this service in the AMC?

**Ms McKenzie:** We have both mental health and primary health services in the AMC.

**THE CHAIR:** What is the capacity? I was told in the community that it is only 30 per cent.

**Ms McKenzie:** The capacity is determined with the Health Directorate. They do have a capacity; I am not sure of the exact number. It is the responsibility of justice health and primary health services to ensure that we provide culturally responsive care, in partnership with Winnunga, but also for detainees who choose to have their care needs met by CHS. We would have to ask the Health Directorate about their capacity.

**THE CHAIR:** Those detainees you are talking about that are seeing CHS—is that because Winnunga used up all their capacity to see them? There are only so many clients that they can see, aren't there?

**Ms McKenzie:** There are. It is a choice. I think there are a few reasons: capacity, choice and referral pathways. There are some health needs that we have to meet for at-risk psychiatric care, and also if people are receiving methadone. It is a mix of factors. One of the things that we have committed to do, at the request of the CEO of Winnunga, is to start transparently reporting on when we make the referral and how long it takes, to make sure that we are not a bottleneck for Aboriginal and Torres Strait Islander detainees who would like to transition to Winnunga.

**THE CHAIR:** You only do the mental health inside the AMC, or you do—

**Ms McKenzie:** We do primary health as well, so we have got GPs, nurses and drug and alcohol services.

**THE CHAIR:** And that is mainstream?

**Ms McKenzie:** Yes, and for Aboriginal detainees who choose to stay with us.

**THE CHAIR:** Have you got Aboriginal staff?

**Ms McKenzie:** We do. We have an Aboriginal liaison officer team within the division of mental health, justice health and alcohol and drugs. For the first time in forever, we are fully recruited. It is only a small team, but we have seven identified positions. Five of those are liaison officer roles and one is a manager. In the last 12 months we have also introduced an admin support, who is an identified position. One of the clinical liaison roles has the AMC as a dedicated portfolio and attends the AMC as part of the primary healthcare team that we have there.

**THE CHAIR:** Two questions. Firstly, how long has the additional space been available, and why did it take so long? The other one is: when AMC clients are being transferred interstate, do you do a mental health assessment as part of the process, on the impact of relocation?

**Ms McKenzie:** Why did it take so long to get the room? I am not sure. I wish I had the answer for that. I think this is one of the challenges that we had by not having that tiered governance structure in place: the issues that were being experienced by the team on the ground in the AMC did not have a clear way of moving up the chain to get them resolved. When it came to the attention of me and the Commissioner for Corrections, we were able to allocate a room within a week. We have had to since circle back around and make sure that that room is fit for purpose. I think the time it took to do that was a reflection of the need to have stronger processes. What was the other question; sorry? I know you asked about transferring detainees.

**THE CHAIR:** When AMC clients are being transferred interstate, do you do a mental health assessment as part of the process, on the impact of relocation?

**Ms McKenzie:** We do. We do a full mental health assessment. Corrections will also do a full wellbeing assessment. It does not happen very often, but when it does happen there is a comprehensive process to ensure that their mental health and wellbeing are not going to be adversely impacted by that move.

**THE CHAIR:** Did you mention that you have a consumer reference group?

**Ms McKenzie:** Canberra Health Services does.

**Mr Peffer:** We have a broader consumer reference group that covers the whole organisation, not specific to AMC.

**THE CHAIR:** Who are the members on that?

**Mr Peffer:** Di Collins is our chair. I am happy to provide the names on notice, if that would be helpful.

**THE CHAIR:** Yes. Thank you.

**Mr Peffer:** Chair, we also have an interface through our maternity services with Winnunga to support continuity of care. Would it be useful to touch on that?

**MS McGRADY:** Very good. Yes, please.

**THE CHAIR:** Yes. That is an interest of ours. Not that we are having any more kids.

**MS McGRADY:** Grandkids.

**THE CHAIR:** Grandkids.

**Ms Pilkington:** Hello. I am the Acting Executive Director of Women's, Youth and Children.

**THE CHAIR:** Welcome.

**Mr Peffer:** Do you want to talk about the interface with—

**Ms Pilkington:** Of course, yes. We have got an established relationship with Winnunga. The midwifery teams support each other, so we have established professional relationships between the midwives there. We have got an in-reach and an outreach type service, so we have midwives who go into the clinic and support antenatal care. It is really about offering choice to the women that are there, giving them the options to identify which model of care would be better for their pregnancy journey. There is parity with all our women, but it is obviously a bespoke service, depending on the needs of that woman and the situation in the judicial system.

For example, we identify high-risk women and we have got a specialist midwife that supports them through their journey. We have also got, as I said, an in-reach system, where our midwives go in to support the staff in the clinic. We offer the usual antenatal appointments there. We have provision if they choose to elect for the continuity of carer model. That would depend on if it was a low-risk pregnancy or not.

We have a strong relationship to help support the women who go between the clinic at Winnunga but also come into Canberra Health Services. For example, foetal screening is done in our Fetal Medicine Unit there. It links with all our support services. Anything to do with any alcohol, drug or additional requirements like diabetes would be usual. We deliver postnatal care in the clinic. The babies are there all day. There is support for breastfeeding and pumps are provided, so it is very much like a home visiting service but done in the clinic setting.

**THE CHAIR:** At the hospital?

**Ms Pilkington:** Sorry, in Winnunga?

**THE CHAIR:** Both.

**Ms Pilkington:** Postnatal visits in a home—

**THE CHAIR:** Are a lot of our Aboriginal women doing that, or they just—

**Ms Pilkington:** If they are in Winnunga, that is what the service will provide. We have that also for our women who are not in the judicial system. We have other specialist services, like the early family support sustained home visiting system. It is a very long title. That is a home visiting nursing service, so that goes into the woman's home to support and look at any parenting concerns. We have also got our MACH service, or maternal and child health.

**MS McGRADY:** And this is for women assessed in the justice system?

**Ms Pilkington:** No. I am saying those are for women at home. Sorry; I jumped there. We have got the support systems for women in Winnunga, and we also have additional systems, models of care and services for women outside the judicial system.

**MS McGRADY:** Who captures the data on those mothers that present to those programs and the services offered? I have a question around whether that is a service that is being fully utilised by mothers with Aboriginal or Torres Strait Islander babies. I would be interested to know about the service and Winnunga's capability to support those parents of Aboriginal and Torres Strait Islander babies.

**Ms Pilkington:** Unfortunately, I have limited data at the moment available. I have not been made aware of any women who have not been able to access that service. But you have had a story?

**MS McGRADY:** I have a community member who has not been able to access that support. If that is a gap and if it is a gap in one of our organisations, I suppose it is about: how do we work together to marry those stats to make sure that no-one slips under the radar and no organisation gets put into a situation where they cannot support that program? We kind of need to be a little bit real about that, because who misses out? It is the mothers of these babies that miss out; these babies miss out. It is good to have all of those programs, but we want to make sure that the services can still provide those services that community think are being provided.

**Ms Pilkington:** Yes, and to continue strengthening those partnerships that we have got. Hopefully, what I have outlined is strong foundations. We need to build on those. If there are gaps, that is really important to maintain and understand why that gap has happened.

**MS McGRADY:** It is a very vulnerable time. Imagine yourself as a single mother to be, an Aboriginal or Torres Strait Islander woman. You would want to make sure that the supports are there, because you do look for that support. We naturally, instinctively do not know how to raise our kids, right? We have got to learn certain things. I would go to the most extreme and imagine that that woman who is having that baby is isolated and does not have family; she and her partner need support. She needs to know how to understand certain age progressions in a baby, and things that change with her as a new

mother, the things that happen to her body. All of those things I think are really, really important. If there is a gap there, then, yes, we need to recognise that gap and meet that gap.

**Ms Pilkington:** Definitely. One of the things that all women want and need is an individualised approach to their case. I completely agree with you, and that is what we endeavour to do, so it is disappointing to hear that there was a gap. We will explore that further.

**MS McGRADY:** That would be good; thank you.

**Mr Peffer:** If it is possible to get a name as well, if the person feels comfortable in sharing their name, we can home in a little bit more and try to find out what has happened and why that person has fallen through.

**MS McGRADY:** Thank you very much. That will be really helpful. It is about us listening to the voice of community. If people are finding: “You know what? This is really not working for me,” there could be a simple reason why, but we do not want them to be left behind if we have a service there that we say we are going to deliver. Thank you for that.

**THE CHAIR:** The next question will be about the Indigenous procurement policy. What is the number and value of contracts that you have that support the Indigenous procurement policy?

**Mr Peffer:** The number is just above \$1 million, which falls short of what our target is. It puts us at 0.42 per cent of the spend in the 2022-23 financial year. In 2021-22 we were able to perform much better. That was off the back of a number of construction projects. The team has done an assessment of underperforming to that extent. A lot of the supplies and services that we procure in Canberra Health Services are not from NGOs or service providers so much; it is pharmaceuticals, technical and maintenance support for pieces of equipment, largely from big multinational providers and other things along those lines. We have sharpened up our focus in the infrastructure and facilities management space already in this financial year, recognising that we are only six weeks in. We have got \$400,000 committed through a number of contracts. We will continue our focus through this financial year, with a view to correcting the underperformance we had from last year.

**THE CHAIR:** What are the requirements with contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander people?

**Mr Peffer:** We do not really have much in the way of grants or procuring service delivery for patients from other providers. That is largely done through the ACT Health Directorate. We are one of their providers that they commission services from in the CHS space.

**THE CHAIR:** In relation to mainstream organisations, what are the specific requirements that those organisations must have to guarantee access to services in the community?



**Mr Peffer:** I might have to take that on notice, Chair, to the extent that we have any services contracted for patients that would require something specific. To a large extent, we procure in the order of \$200 million worth of goods and services—

**THE CHAIR:** I will run through the others, in case you want to put them on notice: Aboriginal and Torres Strait Islander staff within the organisation, represented on the board, and how they procure services. Do you want to take them on notice?

**Mr Peffer:** We can give an example. We are going to market to obtain an Aboriginal and Torres Strait Islander provider to come in and assist with us reviewing our Aboriginal liaison services within CHS and how we have had our Aboriginal workforce participate as part of that activity. Is that useful?

**THE CHAIR:** Yes.

**Ms Morris:** I have read and acknowledge the witness statement. We have just engaged Deloitte Indigenous consulting to undertake a review of our Aboriginal and Torres Strait Islander liaison service model of care at CHS. We have just started the contract with them this month and we estimate that that will finish in February of 2024.

The review is intended to modernise and build on the review that was undertaken in 2017-18, but the intent of this review is that we put a greater focus on the published literature, the benchmarking with the best practice services around the country. We are trying to lean on what other jurisdictions do in this space and what we can learn to form a model of care recommendation, in partnership with our workforce and in partnership with the ACT and regional New South Wales community.

We aim to co-design the recommendations and really try to strive for a nationally recognised best practice Aboriginal and Torres Strait Islander model of care. We will be looking to do work with internal and external stakeholders through individual meetings and through workshops. One thing I will note is that the outcome of the 2017-18 review did see two extra FTE brought into the Aboriginal liaison team that is based at the Canberra Hospital.

**THE CHAIR:** Thanks, Jo. Is it Deloitte?

**Ms Morris:** Deloitte, yes.

**THE CHAIR:** Our next question is: how are you engaged with the Aboriginal and Torres Strait Islander business? They are not an Indigenous business, are they?

**Ms Morris:** That was done through an RFQ process. We went out to many Indigenous organisations and they were one of the people that sent in a quote.

**MR WALKER:** I think you have engaged a non-Indigenous organisation. They are not registered as an Aboriginal organisation. So you might have rethink that.

**Ms Morris:** Thank you.

**THE CHAIR:** How many contracts have you entered into with Aboriginal and Torres

Strait Islander businesses?

**Mr Peffer:** I will need to take that on notice.

**THE CHAIR:** I have got another community question. I am just going a bit blank now.

**MR WALKER:** Do you fund Winnunga to do drug and alcohol services at AMC?

**Mr Peffer:** No.

**MR WALKER:** Do you intend to?

**Mr Peffer:** No. In terms of the separation of responsibilities, we are a service provider, just like Winnunga; so we are funded by the ACT Health Directorate, the crew who were in just before us.

**MR WALKER:** It would be nice to stop having reviews and start implementing recommendations. That is a very strong message from the community. Obviously, we have been reviewed, interviewed and surveyed; we would like some action. That is a statement, obviously, not a question.

**THE CHAIR:** Priority reform 3: transforming government organisations—ACT agreement. How is your directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Mr Peffer:** I will talk about two aspects that we are working on in partnership with our consumer reference group, the first being around training, and then I will talk about a specific service initiative, by way of example, that we have live at the moment.

In looking at the data, and doing an assessment of where we see a divergence in care provided and people's experience of the health system, one of the things that is clear to us is that if we do not pick up very early in someone's healthcare journey that they are an Aboriginal and Torres Strait Islander consumer, there is a range of supports and other things that we do not wrap around them, and their experience of the health system can be quite different.

In going out to our workforce and asking the question why we are not picking up this data, the feedback we had from our teams was that a lot of them actually did not feel comfortable to ask the question. They found themselves in a variety of situations and had different experiences. For many of the people who sit more or less on our front desk—either at triage in the emergency department or on the reception desk, as you are going in for a clinic visit, whatever that might look like—their confidence and willingness to ask the question were non-existent.

We have undertaken a body of work with our consumer reference group essentially to design training to look at how we ask the question respectfully and how we handle that conversation. At this point we are now training our consumer reference group who will deliver that training face to face to our workforce, and empower them to be able to ask that question, so that at least we are factoring in that data and we are able to put in place culturally appropriate supports to people as they enter their healthcare journey in CHS.

Coming to the point about action as opposed to reviews, documents and that sort of thing, one of the initiatives that we have running at the moment comes off the back of a past initiative where we looked to strip paediatric Aboriginal and Torres Strait Islander patients from waitlists in our ear, nose and throat specialty. We pulled them off not in order of waiting to be seen as part of the waiting list, but recognising that there is a very large impact on young folks coming from Aboriginal and Torres Strait Islander background compared to non-Indigenous when they hit school, if they are unable to hear, and what that means for their years ahead.

We have built on that initiative. At the moment we have an expanded, broader initiative now in flight for Aboriginal and Torres Strait Islander paediatric patients who are waiting on a much broader range of waitlists, waiting to see specialists in CHS. I will read out the list of specialties. It covers ear, nose and throat, dermatology, ophthalmology, respiratory, cardiology, general paediatrics, immunology, paediatric surgery, gynaecology, orthopaedics, and plastics.

We have in the order of 326 patients who are waiting on waitlists to be seen. Of that 326, 43 are requiring specialty-intense focus as part of their healthcare journey, so they have not been included as part of this initiative. They are being treated through a separate process. For the remainder, more than 160 have now been removed from that waitlist. They have either been seen in clinic or we have run additional specialty clinics just for Aboriginal and Torres Strait Islander kids. For a number of them, we have paid for them to see a private specialist so that they can be seen straightaway.

We still have some of these paediatric patients remaining on our waitlist. For us, this is a statement recognising that there is inequality that exists and, if we always approach it as being seen in order, we are never going to get ahead of it. For us, this is a statement as an organisation of action rather than a review, a policy or a document. We have our specialists fast-tracking these kids through the system.

**THE CHAIR:** Do we have any numbers for them?

**Mr Peffer:** On?

**THE CHAIR:** Data?

**Mr Peffer:** Yes, I do. We had 326 at the outset of the initiative. I can provide a breakdown, if you would like, by specialty, if that would be useful for the committee.

**THE CHAIR:** Yes; thank you.

**MS McGRADY:** That information depends on whether the person entering the hospital says they are Indigenous. It is probably about figuring out how to ask that question so that Aboriginal and Torres Strait Islander people know that that question is for a purpose. I know that a lot of our mob are scared, for whatever reason, to tick the box. But it is for the benefit of them or their family, so if that could be explained in some way, I know that would be really helpful for families. It would make sure that, if their children do have issues relating to any of those topics that you outlined, at least they will get the support that will help not just their health, which is most important, but it will show up

in that statistical stuff around closing the gap.

**Mr Peffer:** Yes. We will take that on board. It would be nice if people felt that it placed them on a fast track, in terms of some of these waitlists, some of which can be long waitlists for patients to see a specialist. I would hope this is a reasonable representation. To see a specialist, you are getting a referral generally from your GP. Hopefully, these families have a good relationship with their GP, that declaration is made and we have that data. But I accept that it is not going to be perfect.

**MS McGRADY:** I hope GPs are aware that passing on that information is really important as well. I do not know how we can progress that.

**THE CHAIR:** How do you work with other directorates to implement the ACT agreement?

**Mr Peffer:** There are a range of initiatives that we work with, particularly directorates in the human services sector—Education and the Community Service Directorate, for example, in particular. We have what is called the human services cluster. It is a subcommittee of the Strategic Board, where the heads of agencies come together and we look at initiatives that are to be jointly delivered.

An example of that is one of the priority actions around a three-year-old health check which, in many respects, is similar to what we do at the moment for kindergarten children. There is a model that works quite well within CHS. We have a good capture of both non-Indigenous and Aboriginal and Torres Strait Islander children, as part of that process. We are working with our partners in Education and CSD through our governance structures on how that will come together.

**THE CHAIR:** Before I move on to the systemic racism, we have two questions from community. How does Canberra Health Services provide spiritual care for Aboriginal and Torres Strait Islander people, considering this is not a function of the ALO services? Is this a priority area moving forward; if so, how? What services or programs currently exist relating to life-limiting illnesses and palliative care which are targeted at Aboriginal and Torres Strait Islander people? Is it a priority area moving forward; if so, how? Do you want me to break that down?

**Mr Peffer:** Why don't we go with the first one, around spiritual care?

**Ms Morris:** We are currently doing some work around our spiritual support services. We recognise that we have some room for improvement in how we deliver spiritual support services at the moment. We recognise that there is a need for a professional workforce to help support spiritual support services. We are going through a process where we are looking at what that would involve and how we might do that better, going forward; over the next probably three to six months we will be looking to improve in that space.

**Mr Peffer:** In terms of the second question, something related to a commitment that we made was to undertake an Aboriginal and Torres Strait Islander impact statement and declaration, as part of our policies and procedures that are generated within the organisation. This is a recent initiative. It means that, whenever we design a service, a

procedure and so forth, it goes through a committee that oversees having this impact declaration made.

It identifies any policies and procedures that particularly need to consider the needs of our Aboriginal and Torres Strait Islander consumers. A recent one is providing care after death. It is a procedure. Having been through the committee, it supports our team members to ensure appropriate processes are followed, documentation is correct and there is support for the deceased's family after the event. As it is a procedure about the management of a person after death, it was identified that cultural considerations were critically important to be recognised in the procedure.

It went through consumer engagement as well as with our Aboriginal liaison officer teams. They provided extensive feedback on what that actually looks like. As a result of that, the procedure changed and it now states that our treating team or palliative care team, where they are working with people who are at end of life, discuss any spiritual or cultural considerations for the person that they would wish for after their death. They have that discussion both with them and with their family, where appropriate. The discussion of any related actions or requests are all documented now in the clinical record and are also communicated to the treating team as part of the care procedure.

If the person's death is to be referred to the coroner for investigation, our teams also communicate the wishes of the deceased or their family to ACT Policing's coroners team, as part of that new procedure.

**THE CHAIR:** Systemic racism: CHS has completed a business outcome regarding the data on the care that Aboriginal and Torres Strait Islander people received in the hospital. This review showed that Aboriginal and Torres Strait Islander people are discharging against medical advice from emergency and maternity departments. What actions and outcomes have been achieved since this review?

**Mr Peffer:** This is an extensive piece of analysis that we undertook to understand what was happening in the emergency department and what was driving this divergence between the experience of our Aboriginal consumers and non-Indigenous individuals.

In observing the data and what has changed over time, the ACT has made some incremental improvements over a number of years, but at this point in time we have not been able to identify specifically what is generating that improvement for us. As a result of that we kicked off a "month of yarning" exercise with our consumers, to try and understand directly from them about their experience in the emergency department—why they may have felt the need to leave the department without receiving that medical treatment. At this point in time, Chair, it is not a project that we have closed or that I could say with any confidence, "This is the concrete action that has now led to an improvement."

**THE CHAIR:** What have you done to review your legislation, policies and processes to identify and remove systemic racism?

**Mr Peffer:** In terms of the functional responsibilities between the Health Services and the Health Directorate—and I apologise for frustrating the committee; I do not mean to do that at all—ownership of the legislation does not actually sit with us as a service

provider. We are governed by it, but we do not have responsibility for the legislation, if that makes sense. The Health Directorate is the policy arm that makes recommendations to government and cabinet about changes to legislation.

**THE CHAIR:** Workforce: we understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as a part of improving services to the community. There continue to be concerns raised across the community that some staff are not recognised, accepted or connected to our community. How do you ensure that these people meet the definition of being an Aboriginal and Torres Strait Islander person and how do you make sure that they have the lived experience connection with the community that is critical to their ability to engage with and deliver outcomes for the Aboriginal and Torres Strait Islander community?

**Ms Coulton:** I have read and acknowledge the witness statement. Is the question in relation to how staff are identifying?

**THE CHAIR:** Yes.

**Ms Coulton:** Upon application within any of our recruitment processes, there is the option to identify. Certainly, through other activities during a work life with Canberra Health Services, such as staff surveys, there is an opportunity to identify. With training programs and responses back on how people may have found the training, again, there is an opportunity to identify. That allows us to do reporting on what the experiences are of different groups within our Canberra Health Services staff.

**Mr Peffer:** Chair, if you are asking explicitly what we do to verify it, I am not aware that we do.

**Ms Coulton:** To verify, no; there is no action to verify.

**THE CHAIR:** So you have no way of tracking the process or anything?

**Ms Coulton:** No, it is self-declaration that we do not verify.

**THE CHAIR:** Okay. We will go on to cultural competency. How does the ACT government train and ensure the cultural competency of ACT government employees?

**Ms Coulton:** We have had a number of initiatives. Certainly, every employee has to undertake mandatory training upon commencement. I started in February, and in my first week in the job I undertook the mandatory training online. In addition to that cultural awareness training, in September 2022, our Canberra Health Services executive and members of the consumer reference group undertook the Indigenous Allied Health Australia cultural responsiveness training. That consisted of two online modules taking five to six hours to complete, in addition to a whole-day workshop. Prior to that training activity the same cohort of people also attended a two-hour workshop on the Aboriginal and Torres Strait Islander plan and Closing the Gap. The executive went through that very detailed process, along with the consumer group; and all staff are doing the online training upon commencement.

**THE CHAIR:** Do you evaluate the performance of those positions based on



understanding and achievement of outcomes for the Aboriginal and Torres Strait Islander community?

**Ms Coulton:** Are you asking whether there are set, specific targets with key performance—

**THE CHAIR:** There are other questions in between. I will ask them. How many of your mainstream positions require cultural competency?

**Mr Peffer:** It is mandatory training for every employee in CHS. It is mandatory training for all. In terms of how we measure the effectiveness, for us, there are global indicators in terms of Aboriginal and Torres Strait Islander health experiences, as part of our care, versus non-Indigenous, and where we would like those indicators to be. It is not just a specific team that provides these services to community members; it is all teams across the organisation.

**THE CHAIR:** Awareness training is not a competency?

**Ms Coulton:** No. We consider the induction training, when you first start, to be foundational learning, so it is more about awareness learning rather than competency learning. All staff also have access to the whole-of-government learning opportunities. That includes the Aboriginal and Torres Strait Islander awareness e-learning program and a full day through the ACT public sector awareness workshops. They are also available to staff.

**THE CHAIR:** How do you measure competency, if it is all awareness?

**Ms Coulton:** Rather than through the training, it would be more through operation of role and identification, if there is an issue with somebody's skill or competence, and if they are working in an area that has a direct relationship or consumer responsibility. Competency is certainly something that we test at interview stage as well. Obviously, there are professional references as well, and a demonstrated prior understanding and prior outcomes.

**THE CHAIR:** Priority reform 4: how are you progressing the principles of Indigenous data sovereignty?

**Mr Peffer:** We have a data dashboard that had been built in previous years that provided a rather comprehensive suite of indicators that we use in discussions with our consumer reference group to target attention for particular services or areas where we need to improve our performance. Aboriginal and Torres Strait Islander health is also a major focus of the national safety commission. As a healthcare provider, we are accredited under a national regulatory regime, and that is a focus which has a range of indicators that are observed by surveyors. In more recent times we have introduced a new digital health record. We are in the process of building equivalent reporting capability out of that new system to what we had previously.

**THE CHAIR:** What has your directorate done to appropriately identify Aboriginal and Torres Strait Islander people receiving services in your directorate?



**Mr Peffer:** Chair, this is where we know we have a gap. We know we have people coming in and receiving healthcare services that we have not identified on the way through, and that is for a range of reasons. People might not feel comfortable to self-declare; equally, we have a team that at the moment is not trained and confident in having that initial conversation with people. That is why we have developed this training with our consumer reference group. They will roll that out face to face to our team members, particularly those that will be in the higher volume. A lot of our team members do not have daily interactions with patients, or they see them after they have been seen by a number of people. We feel it would be high value and high impact if we get all of the front-desk functions across the Health Services and train those people so that we capture patients as they come into the service.

**THE CHAIR:** How will this align with Indigenous data sovereignty?

**Mr Peffer:** I do not think the training does explicitly, but with the work that we are doing to rebuild our reporting capability, that was reporting that was done as part of our Together, Forward process, which was partially with the Elected Body and with our consumer reference group. It was something that was jointly owned. We sat down and had collaborative discussions about where we wanted to focus effort.

That data was published and, through our consumer reference group, we had a request to update that particular publication. It was written more for bureaucrats than for people who consume health services and do not work in the health system. We went through a process of redesigning that, putting it in a format that people can easily digest and understand what is going on, and that is the data that we hold in terms of performance.

**THE CHAIR:** How does the directorate encourage and support Aboriginal and Torres Strait Islander patients to identify, and what processes do health workers undertake to support those patients who identify as Aboriginal and Torres Strait Islander clients? How are you addressing the early discharge from emergency and maternity of Aboriginal and Torres Strait Islander people? This is what we spoke about before.

**Mr Peffer:** We can talk about our Aboriginal liaison service and what that team has been working on.

**THE CHAIR:** Yes.

**Ms Morris:** As mentioned before, we have a dedicated Aboriginal liaison service at the Canberra Hospital. This is staffed at 5.28—a very precise FTE—and we will be getting an uplift this year of an extra FTE. The purpose of the ALS is to improve communication and collaboration between the clinical staff, the patients and their families. It is also to help provide that emotional, social and cultural support, as well as supporting patients and families to engage with external services, and to Canberra Health Services. That is both locally and interstate.

One of the initiatives that the team have introduced recently is a quality improvement project looking at Aboriginal women who present to the emergency department due to family and domestic violence or sexual assault. They are trying to make sure that we get some culturally safe input for those women very early on in their stay in the emergency department. We will be looking to collect some data in relation to that

program and evaluate that going forward.

We have had a number of other initiatives that the team have looked to introduce. We introduced the First Nations menu, which was a collaboration between our food services, our ALO team, the nutrition services and our consumer reference group. This was based on feedback from the community that told us that our food was nice, but it did not meet their cultural needs.

Based on some consultation with the consumer reference group, the menu has been changed. We now have a First Nations menu that is made up of kangaroo stew, barramundi with sweet chilli sauce, savoury mince and curried sausages. After the introduction of that menu, we surveyed some of our Aboriginal and Torres Strait Islander patients and 100 per cent of them reported that it contributed to meeting their cultural needs during their stay in hospital.

The other initiative that we introduced in February last year was that we managed to get a grant through the Canberra Hospital Foundation and through the Cancer Council to look at a pathway to wellbeing for Aboriginal and Torres Strait Islander people with cancer. This project has a number of different outcomes, and what we have achieved so far is Aboriginal dreaming quilts that have been made with community. They are for Aboriginal and Torres Strait Islander people who are nearing their end of life. Whether that is paediatric or adult, we have a combination of quilts available to our patients.

We have also run some early intervention culturally safe workshops around cancer screening. This is particularly to have conversations with community around breast, lung, bowel, cervical and prostate cancer. We ran three of those workshops last year, and we have another three that we are running this year. One of those is in collaboration with Winnunga, and we also have one that we are running in collaboration with Katungul, because we are trying to reach our New South Wales community as well. Part of that is to try and increase connection with our ALO team early in people's cancer journey, so that they feel that cultural connection with the team early on.

The final bit that we are doing in that space is that we have been working with Peter Mac to look at yarning circles for Aboriginal and Torres Strait Islander people who are experiencing cancer at the moment. We have some work under development around some yarning circles for those patients; that should, hopefully, start in the later part of this year.

**THE CHAIR:** All those initiatives and projects and workshops—do you think they are reducing the rates of early discharge over the last three years? Have they reduced?

**Ms Morris:** I think, as Dave touched on, we have seen a reduction, and I guess we like to think that there is probably a number of different things that have contributed to that reduction, and, hopefully, a number of the different bits of work that we have done have supported that.

**THE CHAIR:** Has the directorate an established data collection system to capture the number of Aboriginal and Torres Strait Islander people who need access to health services but are turned away? Is there a data collection on that?

**Mr Peffer:** I am not sure that we would turn anyone away, Chair. I would have to double-check that, but I think we certainly have data on those Aboriginal and Torres Strait Islander folks who access health services that we provide. We have got data on those who are on our waitlists at the moment, some of which I shared before with our paediatric initiatives, but I am not sure that we necessarily turn people away. We are kind of the provider of last resort, here in the territory.

**THE CHAIR:** That is a good thing. Are we able to request a copy of the more detailed *Together, Forward* strategy? We only have the public version. Can we get a copy of that?

**Mr Peffer:** Yes, of course.

**THE CHAIR:** Alright, thank you. Before we move on, any questions from members on that?

**MR WALKER:** Not a lot on that.

**THE CHAIR:** Delivering health care together—we understand, released in 2021, is subtitled “Better health and access to health care for Aboriginal and Torres Strait Islander peoples in the Canberra region”. We would like to hear what specific data and baselines have been used, an update on each of the objectives and the specific outlines achieved. How will CHS look at ways of getting more information about Aboriginal and Torres Strait Islander people’s experience of care and health outcomes so we know what we need to work on?

**Mr Peffer:** I might ask Jo Smith to come up and talk about some of the indicators that we used to put together, *Forward*.

**Ms Smith:** With *Together, Forward*, when we put that together, it was built on the National Safety and Quality Health Service Standards—the specific actions within that. It was also based on the first iteration of the Closing the Gap national partnership agreement; there has since been another iteration. It was also based on, any available data that we could get from the *Report On Government Services*—so national reports, as well as state level reports—and then data that we, CHS, had internally, and bringing that together to tell a story about what the areas were where we were doing well, and where the gaps were that we needed to work on. That is what fed into the big, thick document that I will get to you, and then the community-facing glossy version that we have worked on with the consumer reference group.

One of the key things that we really thought was important was not to over-consult with community, so we also drew in the ACT Aboriginal and Torres Strait Islander Agreement consultations and anything that was said about health. So, a good example of an area of need that was identified through all of that was the ear, nose and throat work for children. It was clear from the waiting lists, and it was clear from what community were telling us that we had an area of need that we needed to address, and that is the action that we undertook. Have I missed one of the elements of your question?

**THE CHAIR:** No.

**Ms Zagari:** May we add to that, Chair, if that is alright. I have read and acknowledge the privilege statement. In terms of how we seek feedback from our Aboriginal and Torres Strait Islander consumers, we capture that information about Aboriginality or Torres Strait Islanders in our compliments and complaints, and we specifically do an analysis around Aboriginal and Torres Strait Islander compliments and complaints to understand what the particular themes are in that so we identify how we can do better. Not only do we rely on compliments or complaints that come to us either through our consumer feedback team or from ward areas, we actually randomly survey discharged inpatients weekly and look to capture a proportion of those patients of both Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander background.

Following on from that, one of the things that the team ran—I would say “we”, but I was not here at the time, so I can claim no credit for it—was that the Indigenous and non-Indigenous researchers through University of Canberra facilitated some yarning circles to really hear from our community about their experience in accessing health care from us. We had 51 Aboriginal and Torres Strait Islander people who participated in those yarning circles. There was a bit of a post-COVID delay in the analysis of that research and theming, but that largely took place last year, and the consultation—which should recently have been completed.

**Mr Peffer:** I believe it is due to be published later on this calendar year, so in the next few months.

**THE CHAIR:** Thank you. How has CHS improved information available to community about what services will be provided, and how can we help get people the care they need?

**Mr Peffer:** We might talk about some work that we recently did on our website. There is some feedback we frequently receive that health care and the health system are not particularly user-friendly. It is a very complex environment. It has got lots of moving parts to it, and I think we do not always shower ourselves in glory in the information that we provide to the public of how to access those services and how it comes together: what your experience will be like, and what you need to take with you if you are going to hospital, and all those simple things.

In recent months, we worked with over a thousand consumers, including, specifically, our consumer reference group, to reshape information that is available on our website. It does include dedicated areas for Aboriginal and Torres Strait Islander consumers to go and see how to access services—for example, our liaison services—and what their stay in hospital might entail.

We have had some feedback on the website, which has been quite positive. It is much better than what it was. I think we accept that it will never be perfect, but, in terms of accessibility, and in terms of people not requiring a level of health literacy—that very few people actually possess—it is a much better product that was done in partnership with consumers and community and that should assist patients in being able to navigate what services we have got available in CHS.

**THE CHAIR:** How have CHS enabled Aboriginal and Torres Strait Islander peoples getting outpatient appointments sooner?

**Mr Peffer:** Our focus largely has been in the paediatric space at this point in time. We do not have a parallel initiative running for adults; however, at some point in the future that might be our next focus. But for the time being, we have pushed very hard. As I mentioned, initially we started with an initiative just around ear, nose and throat. We have now expanded that out to the full range of paediatric specialties, recognising the impact that that can have.

Also, we have been partnering with GPs in community for some of these specialist clinics, particularly for some young folks with some challenging circumstances and a range of conditions that they might need to see specialists for, rather than having them present to multiple specialists on different occasions. We did actually run a couple of weekend clinics where we brought cohorts of specialists into a clinic so that some of these young folks could go to a single clinic and be seen by multiple specialists as part of their visit.

**MS McGRADY:** Do they necessarily need to be at a clinic because of the clinic equipment? I am just thinking: we have a community, purpose-built building at Boomanulla. Are clinics able to be expanded into, say, a community organisation?

I remember being younger and clinics going out to community, and I just thought of that idea. So, that is something that, maybe, you can progress in conversation—if that is even a possibility to engage more families in what services are there and via that kind of culturally familiar place for our community to bring their families or their children.

**Ms Zagari:** It does depend on the nature of the clinics. Some clinics absolutely might be suitable for that sort of arrangement, and that is consistent with the principle of providing care closer to home, which is what we will endeavour to do increasingly over coming years, so we can certainly explore it.

There are some clinics, obviously, as you have said, depending on equipment, or, particularly, where the child might need to see multiple different specialties because of the complexity of their condition, and that becomes more difficult. But there may well be some clinics where that is a possibility, so we can pick that up and look at it.

**MS McGRADY:** Thank you.

**THE CHAIR:** What actions have CHS made so that community members feel welcome on committees and working groups so Aboriginal and Torres Strait Islander people have a voice at CHS?

**Mr Peffer:** We have Aboriginal and Torres Strait Islander community members participating in a range of committees, not just our consumer reference group but other consumer groups that we have, as well as our Aboriginal and Torres Strait Islander steering committee, which really drives the execution of the action plan that we have got within the directorate.

We have a process of onboarding consumers. When people join a reference group, we do not expect that they will hit the ground running and know everything they need to do, and what they need to know and how things work. We have a procedure that we use

to, essentially, provide some background context and training to set people up for success when they join our committees as part of our organisation.

**THE CHAIR:** How does CHS train staff to be better at talking with and caring for Aboriginal or Torres Strait Islander people by learning about experience and culture?

**Mr Peffer:** We have spoken about mandatory learning. We do also offer further training for individuals. I do not have that information in front of me, but I would be happy to take that on notice, and we can come back with some details about more detailed training rather than just the awareness.

**THE CHAIR:** Thanks Dave. How has CHS made our spaces more welcoming to Aboriginal and Torres Strait Islander people?

**Mr Peffer:** The consumer reference group has really been a driving force in this, I think, within our organisation, in terms of artwork. We start with artwork, but we know it does not end there. For us, their participation in designing the new welcome hall for the critical services building has been probably one of our greatest successes. Others have spoken about this, and it was part of the reason, I think, the group has won an award. If I could, Chair, I will just expand on this.

Building two, will be, essentially, the welcome hall, and I talk about it as being the heart of our hospital campus. It is a big campus. It is an intimidating campus if you do not work there, or even if you work there. I, from time to time, get lost! There are all sorts of tunnels and stuff running underneath buildings, and things that you would never see, and that can be a pretty overwhelming experience. Particularly, we are very aware that a lot of people who access our services do not come from campus, so they are not even familiar with the area that they are driving into, and then, invariably, they cannot find a car park, and they are late for things, and that is their introduction to the health service. So, the CRG were really clear with us about expectations in terms of the welcome hall and that welcome space for Aboriginal and Torres Strait Islander people. Hayley, who sits on the committee, I think, actually made a comment about how pleasing it was, when she accepted the award at the NAIDOC awards—how pleasing it was to be able to give that direction and to see government respond, and invest some money, and spend it on design and deliver what the reference group wanted.

But in addition to that, Major Projects Canberra—this is the delivery arm of government that is actually building it—delivered a presentation on their project consumer-led design approach, which included our consumer reference group and the input that they have provided to the Australasian Health Infrastructure Alliance. These guys are responsible for putting together the standards and expectations for health facilities that cover the country and region. Their strategy team has indicated that they will actually look to, potentially, incorporate what we are doing at Canberra Hospital campus in their facility guidelines, for other architects and design teams that are looking at designing hospitals in the future, for what a welcoming space could look like for Aboriginal and Torres Strait Islander people. We are quite proud of our consumer reference group and what they have been able to achieve there.

**THE CHAIR:** I went on a tour to the hospital with Major Projects and it was just awesome to see what they were doing there.



**MS McGRADY:** When mothers come to the hospital with their babies and their kids, even a simple thing like what you mentioned about the vending machines is really important.

**THE CHAIR:** They took that on notice! The vending machine was good! How has CHS reduced harm to Aboriginal and Torres Strait Islander people from alcohol and drugs, and improved mental health support?

**Ms McKenzie:** I realised, when I sat down, I had not acknowledged the privilege statement, so I acknowledge that I read and understand the privilege statement. Was it about alcohol and drugs and mental health care?

**THE CHAIR:** Yes.

**Ms McKenzie:** A key way that we do that is with our Aboriginal liaison office team, which, as I said, when I talked to you a moment ago, is a very key part of our service, both in providing direct care and, as importantly, because we are a big service and we have many teams, in ensuring that our many teams feel that they have the skills to be able to provide care to Aboriginal consumers as well.

They have a dual facet to their role. I am actually going to give their exact words, because I think it is important that I use their exact words: “The Aboriginal liaison officers participate in multidisciplinary team meetings to provide awareness and cultural input into care planning to ensure the person’s treatment goals are being met within a cultural framework.” I think that is a very critical part of their input to our system. A couple of things have happened in the last year—I heard you ask a question to Dr Moore about PACER.

**THE CHAIR:** Yes. Maurice had asked about PACER.

**Ms McKenzie:** We did an evaluation of PACER. It was a tri-agency evaluation with the AFP and the Ambulance Service. So, of the PACER contacts from 2019 until now, seven per cent of PACER contacts were people who identify as Aboriginal or Torres Strait Islander.

Because it was a small number, they were unable to make a specific recommendation, but they did make a comment that there was need to build in some cultural responsiveness to the PACER model. We are doing that through multidisciplinary team meetings and also through our HAART team. We have a dedicated Aboriginal liaison officer who works with our HAART team, which is our rapid response team that supports PACER as well.

**THE CHAIR:** Thank you. How does CHS provide health care with cultural support for Aboriginal and Torres Strait Islander people in detention?

**Ms McKenzie:** I think we covered a lot with AMC. One thing that I was going to pick up on, listening to some of your other questions, is that in the initiating and first phase of development of our Detainee Health and Wellbeing Strategy, we did actually use an Aboriginal consulting firm.



**THE CHAIR:** In Canberra? From Canberra?

**Ms McKenzie:** Queensland—a Queensland Firm. They helped us with the first pass of consultations and met with detainees to ensure that we were having that strong voice come through any strategic work that we were doing.

**MR WALKER:** I have just got a couple of questions around mental health. Given that you guys, obviously, know about the latest death in custody, just recently, there are some questions that we wanted to put to you because of the mental health capacity that you guys are involved with. There are a number of questions for both you and JACS that have come from the community around the treatment of the young fellow before he passed.

I will put the questions to you. Do you know why TJ was not given appropriate mental health care whilst under Director-General Glenn? Do you know on how many occasions he was assessed and treated by a psychiatric clinician while detained? Why was he not committed to the forensic mental health facility at Dhulwa, the secure mental health facility in Symonston? How many visits from a psychiatric or a mental health clinician did he receive while detained in New South Wales? It may be just that you might not know. But given some of the stuff you have been doing, obviously, with detainees in AMC—he had been a resident of AMC for a while.

**Ms McKenzie:** I will start and then I might hand to Janet, if that is okay. I will start by saying that we express our absolute sorrow to the community for the loss of this proud man. He was very well-known to us and our team are mourning with the community. We do not feel that we are able to comment on the individual parts of his care at the moment, because his death is under investigation by New South Wales prisons. I do not know whether Janet would like to add any more to that.

**Ms Zagari:** No—only to add my condolences and to reiterate what Katie said. While it is being investigated by the New South Wales authorities, we are not able to make comment on the circumstances, but we would like to express our most sincere condolences.

**MR WALKER:** Thank you. Do you have any mental health services at Bimberi?

**Ms McKenzie:** We do. Bimberi is covered by our justice health team which provides both primary health care and forensic mental health care. We have an expert child and adolescent forensic psychiatrist who comes from Sydney on a very regularly basis. We feel really lucky to have that doctor working with us. He has a very strong relationship with the young people in Bimberi. We feel very privileged to have his input to that team and the young people who are there.

**MS McGRADY:** Dr Kasinathan?

**Ms McKenzie:** It is not him. Dr Le is his name. We are very lucky to have his expertise in Canberra. Very few people in Australia would have expertise in child and adolescent forensics. He goes between Bimberi and the AMC.

**MS McGRADY:** Thank you.

**THE CHAIR:** How does CHS work with Aboriginal and Torres Strait Islander mothers to improve care while they are pregnant and increase the number of babies born with a healthy birth weight?

**Ms McKenzie:** I am going to hand over to my colleague Sue.

**Ms Pilkington:** Hello again. Like Katie, I apologise that I did not acknowledge that I have read and understood the witness statement. I am sorry.

**THE CHAIR:** Thanks.

**Ms Pilkington:** Could you repeat the question?

**THE CHAIR:** How does CHS work with Aboriginal and Torres Strait Islander mothers to improve care while they are pregnant and increase the number of babies born with a healthy birth weight?

**Ms Pilkington:** Thank you. As I was explaining earlier, we focus on the individualised care model. It is about supporting the women to identify the model they would like to choose. Earlier, I was talking about the different options that are available. Some of those will depend on the level of risk. We can support women of low risk to birth at home, and we have our continuity of care model and we have shared care. It is about the relationships I was talking about earlier, working with Winnunga. The Winnunga midwife comes in and helps provide that continuity at the Canberra Health Services site, which is really lovely. I acknowledge that we can strengthen those partnerships and we want to do more shared education and more shared learning. That is part of the next phase for us.

Earlier, I was talking about access through the post-natal journey. These are things that exist already. It is really about prioritising our Aboriginal and Torres Strait Islander women and ensuring that they have the wrap-around care, going back to that individualised model, because women will do different things—

**MS McGRADY:** Absolutely.

**Ms Pilkington:** We have the immediate post-natal stage, which is for our midwife only service, and then our women move through to the Maternal and Child Health support scheme. As I mentioned earlier, we also have the early family support services. They are a bespoke service supporting the parents, the women and the family unit—whatever that looks like to an individual woman. Again, this is in very close partnership with Winnunga.

You talked about birth weight. I have limited information. I have data from a few years ago as part of our *Together, forward* report. Working with Aboriginal and Torres Strait Islander mothers to improve care while they are pregnant is obviously a focus, and, as you said, increasing the number of babies with a healthy birth weight. The data I have from 2021 is that the percentage of babies born to Aboriginal and Torres Strait Islander mothers who were born at a healthy weight was higher than the national average. It was

13.5 per cent for Aboriginal and Torres Strait Islander women, compared to the national average of 10.7 per cent. I acknowledge that data is two years old, but that is a good—

**THE CHAIR:** How did the numbers change when data started to include babies with Aboriginal fathers? Did the numbers change?

**Ms Pilkington:** I am sorry—I do not have that information.

**MS McGRADY:** It is not just about an Aboriginal or Torres Strait Islander mother; it is the Aboriginal or Torres Strait Islander baby, whether it is the father—

**Ms Pilkington:** Yes.

**MS McGRADY:** It is about capturing the Aboriginal and Torres Strait Islander babies, regardless of whether—

**THE CHAIR:** Mother or father—parents.

**Ms Pilkington:** Yes. This would be about the babies, from what I understand.

**MS McGRADY:** Good. Okay.

**Mr Peffer:** The measure changed a few years ago to include fathers as well. It never used to. We might have to take that on notice to see what has changed in recent years.

**Ms Pilkington:** And the way we report. Thank you for that. Also, regarding the post-natal journey, one of the things I was saying earlier was about ongoing support with the justice system. It is really about flexing our services to meet the needs of the women.

**MS McGRADY:** That is good. Thank you.

**MR WALKER:** How often do you collect this data? And why do you not have up-to-date data?

**Ms McKenzie:** I am going to defer to Dave.

**Mr Peffer:** For quite a number of these indicators, we feed into national datasets. In the last 12 months, we have gone live with the Digital Health Record, which is a single business system which replaced dozens of business systems. It is safe to say that, with our dozens of business systems, it has taken the teams many years to build the reporting functionality that has allowed us to essentially point and click and pool indicators and performance data. At this point in time, we do not have that ability. Our colleagues from the Health Directorate who were on before us are working with us to build that into the system so that we will be able to pool that data.

**MR WALKER:** Given that health is a very high part of the national Close the Gap targets, does anybody collect that data in the ACT? On the Elected Body, we have been hearing that sometimes we do not have the statistics for ACT because we are a small jurisdiction. There are only 9½ thousand Aboriginal and Torres Strait Islander people living here at the last census. We are growing by three per cent every time the census

comes around. Soon enough, we are going to big enough to collect data for, so do you have someone who is already collecting that data or is designated to do that on a yearly basis? The reports are asked for frequently, and we have not had this data since 2021. What has been happening in the last three years? Where has the data been going when it is not collated?

**Mr Peffer:** Ultimately, we have to take responsibility for that data not being available. It is the case that the data is being collected. There is a lot of data going into the business system that we now use, but our ability to extract that data and be able to report on it is key.

**MR WALKER:** We want the ACT to be represented.

**Mr Peffer:** So do we.

**MR WALKER:** Especially when it comes to births in our population. We want to know that we have some of the healthiest babies that have been born around the place. Hopefully, next year, when we ask these questions, you will be sparkling.

**THE CHAIR:** How does the CHS improve access to care and treatment for Aboriginal and Torres Strait people with ear, nose and throat problems? What is the data and evidence if surgery is needed? Will we work on making that happen quicker than in 2020?

**Ms Zagari:** In addition to the information that Dave has given about outpatient clinics, similarly there was an initiative run through the Territory Wide Surgical Services program to prioritise access to ear, nose and throat surgery for Aboriginal and Torres Strait Islander children. There were theatre or surgical lists run which were only for Aboriginal or Torres Strait Islander children in order to assist them to receive care in a timely manner to start to prevent some of the issues that happen if they are left for a long time. We will have data for you next year. It is part of the data challenges that Dave was talking about. We have data available operationally, but it is not ready for external reporting at this point in time, but that would demonstrate the impact of those sorts of initiatives.

**MR WALKER:** To maybe make you feel even a bit worse, is the data for the general population behind as well?

**Ms Zagari:** It is. It is not an Aboriginal and Torres Strait Islander specific problem—the initiation of the digital record. There is a piece of work being done to verify the data to make sure that what we are capturing is correct with the new system and that it is mapping to the right place. Absolutely, it is—

**MR WALKER:** We are not being left behind, then?

**Ms Zagari:** No.

**MR WALKER:** Beautiful.

**Ms Zagari:** In fact, we prioritise the Aboriginal and Torres Strait Islander dashboard

ahead of a number of other dashboards, and it is currently now the testing phase again.

**MR WALKER:** Thank you.

**THE CHAIR:** How does the CHS improve care and cultural support to Aboriginal and Torres Strait Islander people with cancer?

**Ms Zagari:** Let me turn to the right page so I tell you the right thing. This one is in Jo Morris's group and it is about that co-funded piece between the Canberra Hospital Foundation and the Cancer Council. Do you want to talk to this, Jo?

**Ms Morris:** Yes; I am happy to talk further about this. This is co-funded with the Canberra Hospital Foundation and the Cancer Council. Since February 2022, we have had a part-time project officer, which is an identified position, that is leading the Pathways to Wellbeing work for Aboriginal and Torres Strait Islander people with cancer. We had our steering committee meeting this morning, and some great progress has been made in this space.

The steering committee is comprised of a number of representatives from New South Wales and the ACT. We recognise that we capture people from regional New South Wales and we need to make sure that they are part of this journey as well. We discussed the dreaming quilts before, which is all part of the initiative, and the culturally-safe workshops around screening for Aboriginal and Torres Strait Islander people around breast, lung, prostate, bowel and cervical screenings. This is with the aim of improving early intervention and prevention strategies for Aboriginal and Torres Strait Islander people.

We ran three of those workshops last year and another three are scheduled for this year. As I said, they are based in the ACT but also around New South Wales, and we are looking to do one in Yass as well, which is great. One that I did not mention before was the team providing cancer-specific cultural training for CHS employees. This is to make sure that our CHS team that is working with our Aboriginal and Torres Strait Islander patients feels culturally competent to do so. They have been running workshops with, particularly, the cancer health professionals—that is, medical, nursing and allied health—to support them in that space.

**THE CHAIR:** How many Aboriginal and Torres Strait Islander Impact Statement and Declarations have been completed since the implementation?

**Mr Peffer:** I will need to take that on notice, Chair, and we will look at the policies. As I mentioned before, that is our mechanism for essentially capturing any procedural process changes in the organisation that shape care and how people deliver it.

**THE CHAIR:** I will go through the next couple of questions because they relate to the declaration. What proportion of all new health services have had an Aboriginal and Torres Strait Islander Impact Statement and Declaration? How has CHS changed its service strategies and frameworks as a result of the implementation of the Aboriginal and Torres Strait Islander Impact Statement and Declaration? We note that the document makes no explicit reference to the national agreement to the ACT government agreement, targets or accountabilities.

**Mr Peffer:** That is a reasonable point. Chair, we will take that on notice and look at whether that should be reflected in the document. For us, it is meant to have a very broad capture. It is meant to apply to anything that is coming through the policy committee. It might be something completely unrelated to the priority areas, but for us, as a health service, it is important that it has that lens put over it. We engage with community on whatever it is and how it should be best structured.

**THE CHAIR:** Justice health. We are particularly concerned—and we have received a number of community inquiries—about the way health services are delivered in AMC. We understand that there are not suitable facilities to provide holistic primary health care to detainees. When will this be resolved?

**Ms McKenzie:** You are right. The Hume Health Centre is probably at the end of what we can put in there. The room allocation to Winnunga was very recently the last room to be allocated. What we have done at CHS, in the justice health team, is work on our operational reforms so that we know our processes are very efficient and to make sure that we are giving appointments to people as quickly as they need them. We are also working openly with Corrections about the next steps on future developments. Corrections have employed an architect and they will be able to tell you what the next steps are in that plan. We are keen to keep working on making sure that we have a facility that allows the services to grow as needed.

**THE CHAIR:** How does CHS work to support mothers giving birth in AMC?

**Ms McKenzie:** I will hand over to my colleague. The women in AMC are cared for by Winnunga. I will hand back to Sue for the shared model.

**Ms Pilkington:** Could you repeat the question?

**THE CHAIR:** How does CHS work to support mothers giving birth in AMC?

**Ms Pilkington:** I hope I predominantly covered most of it. The other thing I wanted to mention was our Women's Health Service which offers trauma-informed counselling. They are able to connect with women who have recently been in the judicial system. Fifty per cent of their clients at the moment are recognised as Aboriginal or Torres Strait Islander. That is helping women in AMC but also women when they leave that system as well. If they choose to, that service can be maintained. It is so valuable to maintain those connections and support.

**THE CHAIR:** I think so.

**Ms Pilkington:** Many of the services I outlined earlier also enable and support women and the family group to connect to services, because, as we mentioned earlier, it is individual, but people perhaps do not recognise the help they need and do not know what is available. It is about connecting everyone together for the benefit of the child, the woman and the family unit.

As I mentioned before, we have the early family support services. We have a nursing team that goes in and supports the unit as well. In July, 28 per cent of our clients in that



group identified as Aboriginal or Torres Strait Islander. What I am trying to outline is that the team are trying to prioritise Aboriginal and Torres Strait Islander women and family groups and enable that priority service to be available.

**THE CHAIR:** Thank you. Over a long period, there has been an average of 23 per cent of Aboriginal or Torres Strait Islander detainees in the AMC with ongoing drug and alcohol addictions. What has the directorate done to treat and deal with this ongoing problem in the AMC and in community?

**Ms McKenzie:** We keep statistics. If it is okay, I will read them out for you. As at 7 August, 89 of 365 detainees are on our opioid maintenance treatment program. Nineteen of the 89 identify as being Aboriginal or Torres Strait Islander and 70 identify as being non-Indigenous. The most important thing is that we only have six clients who are waiting on an alcohol and other drug assessment in the AMC, and none of these clients identify as being Aboriginal. This goes back to the focus in the last year on making sure that we have really tight processes so that no-one is waiting. We have a shared care approach with Winnunga for Aboriginal people in the AMC who receive methadone on our opioid treatment program.

**THE CHAIR:** Are there any questions before we close?

**MR WALKER:** I have just one question about our allied health workers. Are you aware of the Aboriginal and Torres Strait Islander allied health workforce? Where are they dispersed? What areas do they work in? Years ago, I remember attending an allied health conference and I was surprised how many Indigenous people were there from the ACT. It is part of that stuff we were talking about before around people who are here and identify but are not living in the community; they were just doing their work.

**Ms Morris:** For specific numbers, I will have to take that question on notice. One program that the ACT Health Directorate may have touched on is the Indigenous Allied Health Assistant Program. This is a program that supports year 11 and year 12 students to go through a school based traineeship, but they also undertake a cert 3 in the Allied Health Assistant Program at CIT. We partner with CIT and Indigenous Allied Health Australia to provide the placements for those students.

Seven students enrolled in the program in 2022, and then 10 students enrolled in the program in 2023. Four students have graduated from the program and we have offered three of those students a job as allied health assistants. The fourth student has commenced university training in the midwifery program, so we look forward to employing that person in the future.

**MR WALKER:** Excellent. Thank you.

**Ms Zagari:** Rather than us taking the number of professional health officers on notice—these are our allied health professionals—we currently have a head count of 13 who have identified as Aboriginal or Torres Strait Islander.

**MR WALKER:** Excellent. Thank you.

**THE CHAIR:** Thanks for coming. That is it from us.



**The committee adjourned at 4.35 pm.**



**ABORIGINAL AND TORRES STRAIT ISLANDER  
ELECTED BODY**

**TRANSCRIPT OF EVIDENCE**

**Members:**

**MS TANYA KEED (Chairperson)  
MS PAULA McGRADY (Deputy Chairperson)  
MS LYNNICE CHURCH  
MR MAURICE WALKER  
MR JACOB KEED  
MS JO CHIVERS**

**CANBERRA**

**TUESDAY, 15 AUGUST 2023**

**APPEARANCES**

<b>ACT Policing .....</b>	<b>205</b>
<b>Education Directorate .....</b>	<b>116</b>
<b>Emergency Services Agency.....</b>	<b>202</b>
<b>Justice and Community Safety Directorate.....</b>	<b>161, 202, 205</b>

## The Elected Body met at 9.30 am.

### Appearances:

#### Education Directorate

Haire, Ms Katy, Director General

Simmons, Ms Jane, Deputy Director-General

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

Spence, Ms Angela, Acting Executive Group Manager, Service Design and Delivery

Matthews, Mr David, Executive Group Manager, Business Services

Nakkan, Mr John, Executive Branch Manager, Infrastructure and Capital Works

Ackland, Mr Daniel, Executive Branch Manager, People and Performance

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

O'Dea, Ms Merryn, Principal, Lyneham Primary School

**THE CHAIR:** My name is Tanya Keed. I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all members of the Elected Body and would like to introduce them: Paula McGrady, Deputy Chair, with the portfolios of Transport Canberra and City Services, ACT Health and our representative on the Coalition of Peaks; Maurice Walker, member, with the Education and Community Services portfolios; Jo Chivers, member, with the Justice and Community Safety portfolio; and Deanne Booth, member, with the Major Projects Canberra portfolio.

We want to acknowledge the efforts in the early childhood area, where an additional hundred places for Koori Preschool will be made available. This is a great opportunity. While there are some challenges to face in the zero to three age group, and also the interface with child care and how placement works together, we did want to acknowledge those places.

The theme of the questions today is continuity of education and connection to culture. There are some emerging issues in the workload, role and priorities of Indigenous liaison officers, ILOs. ILOs are really important for our community, but we are finding that we are not sure of the scope of their role. How they work with the school, and even key issues like the ability to contact the Indigenous Education Unit seem more difficult than they should be.

Please could all witnesses who give evidence during the hearings acknowledge the witness statement, for the record. I would like to invite Director-General Katy Haire to make an opening statement, before commencing the questions. Please can you limit your introductory comments to two minutes.

**Ms Haire:** Thank you, Chair. Good morning, Chair, Deputy Chair and members of the Elected Body. I would like to thank you very much for having me, Deputy Director-General Jane Simmons and our team here today.

I would like to acknowledge the Ngunnawal people as the traditional custodians of the land we are meeting on and recognise any other people or families with connections to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and region. I also acknowledge

and welcome other Aboriginal people who are here with us today. We also acknowledge and pay respect to the Wreck Bay peoples, who are the custodians of the land on which our Jervis Bay School is located.

We are really keen to engage with you today and to hear your feedback. Thank you for those introductory remarks, Chair. Last Friday, along with many of the senior team, I attended the directorate's Aboriginal and Torres Strait Islander symposium, called "Celebrating Generations Past, Present and Future", along with more than a hundred leaders from across the Education Directorate. At that symposium, we could see the Education Directorate taking clear action to embed cultural integrity across all of our work. It was a day to support our educators to find authentic and respectful ways to embed Aboriginal and Torres Strait Islander histories and culture into their teaching practice and the way they run their schools.

I and the leaders who are here with me today acknowledge that the directorate is on a continuous learning journey. However, cultural integrity is at the heart of what we are moving towards and learning about, and it is at the heart of a strengths-based approach that we take.

Embedding cultural integrity within our schools and within the Education Support Office means that our workplaces and schools will be culturally safe places for Aboriginal and Torres Strait Islander students, families and staff; be accountable for meeting the aspirations, learning and wellbeing needs of Aboriginal and Torres Strait Islander students; develop all staff and students' understanding of Aboriginal and Torres Strait Islander histories, cultures, languages and knowledges through professional learning and curriculum; develop and maintain genuine, collaborative, respectful relationships with Aboriginal and Torres Strait Islander parents, families, local community members, service providers and agencies; actively represent Aboriginal and Torres Strait Islander histories, cultures and contributions to contemporary society in our physical infrastructure and online presence; support and provide opportunities for all staff to build their knowledge and understanding of Aboriginal and Torres Strait Islander history, culture and language; and regularly evaluate and refine our practice to ensure that we are moving towards true cultural integrity.

We look forward to your reflections and your advice and support on how we are going towards that important commitment. In 2024, as you mentioned already, Chair, we are really excited that we are expanding our Koori Preschool program. That plays a very important role in early learning, including acknowledging and respecting parents as the first educators.

We are opening our first new high school in the ACT for many decades, named after the Wiradjuri hero of social justice, Shirley Smith, which we are very proud of. We will continue the scholarship programs, support programs, as well as the staff development that we have been doing over the last several years.

I have many colleagues here today, and I will invite them up. depending on the questions that you have. We really look forward to engaging with you and thank you for the opportunity.

**THE CHAIR:** I will now pass to Member Walker to continue the questions.

**MR WALKER:** Thank you, Katy, and welcome to you and all your staff. I am going to start with priority reform number 1: partnerships and shared decision-making. For the first question, you have got a question and then kind of four parts to it. How is the directorate working with the community to share decision-making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community? How many new formal partnerships has your directorate established since 2020? As you would realise, we have not had a hearing since that time. How are they resourced, what have they achieved and is that information publicly available? If you need a refresh, I will go back.

**Ms Haire:** We might need you to go through one by one, Member Walker. I am going to invite Angela Spence, whom you know, Member Walker, to talk about the issue of partnerships. As she is getting herself settled, as I said at the outset, that is a core part of our philosophy: that we need to be working not just with families but also with community and agencies to achieve cultural integrity. We really appreciate the question. Of course, the way that manifests itself is different in every directorate, depending on the kinds of services that you provide. As you know, we provide public education, so we are largely the service provider, but we work alongside and with the support of other Aboriginal bodies at times. Angela will talk about that and how that is formalised.

**MR WALKER:** Thank you.

**Ms Spence:** Good morning, everybody. The Education Directorate is working in a variety of ways around different partnerships. What I want to highlight is a few key examples of some of the more formalised partnerships that we have, and then other areas where we are working with Aboriginal community-controlled organisations to really strengthen the work that we do.

One of the great examples of how we work in partnership with community is the Koori Pre co-design process that you mentioned earlier. We have learned a lot through that relationship and engaging with Shona Chapman in that space to work with community in a formalised way to develop frameworks for our Koori Preschool program and, in a structured manner, to capture community voice as part of that engagement.

As part of that process, Shona led the co-design process, with the Education Directorate, engaging with community, including our young people, to develop a cultural safety framework and Koori Pre curriculum to really enhance the way in which we work in our Koori Preschool settings. That particular piece of work has informed the way in which we formalise our approaches with our partnerships with community. We have learned a lot through that particular process.

Another key partnership that we have, and our commitment at the moment, is in the work that we are doing with Winanggaay Language Group to support the revitalisation of the Ngunnawal language.

**MR WALKER:** What is the formal partnership part of that agreement with Shona? Can you explain that?

**Ms Spence:** The formal part of the partnership is that we engaged her and there was a commitment to the way in which we worked with her, specifically, through the consultation process. Our partnership and that engagement has ended, as part of that particular piece of work. It was for a specific purpose. Through that engagement, for a set period of time, we learned about the best ways of operating in partnership with community. Hence the reason I wanted to share that example, because I think that really highlights the way that we need to work in partnership. Does that answer the question?

**MR WALKER:** It is a kind of a fee, I guess; a contract for services?

**Ms Spence:** Yes.

**MR WALKER:** We are actually looking for some answers about the partnerships that are determined by the national agreement and whether we have made any partnerships with the ACT community around education outcomes.

**Ms Spence:** In terms of priority reform 1?

**MR WALKER:** Yes. In the second part of the question, when I go to the dot points, I am going to ask you for three examples of how you have done shared decision-making. The Koori Pre reform is one good example I guess, but that is kind of a consultation process, not necessarily a partnership.

**Ms Spence:** Yes. The way in which we work with the Elected Body in addressing priority reform area 1 is probably the strongest partnership that we have. We work through very structured processes to ensure that we are addressing each of the areas of the Closing the Gap targets, and of course our Aboriginal and Torres Strait Islander Agreement that we have with the ACT government.

The way in which we work with the Elected Body, through our education member, is structured so that we do deep dives into each of the areas of our agreement and our responsibility in delivering our actions, really focusing on the outcomes and the impact we are having. In terms of that relationship, it is through that mechanism to address priority area 1 first and foremost.

In terms of priority area 1, we are also working with our advisory group and have representation through the advisory group. We have had some complexities in maintaining the functionality of our Education Directorate advisory group. We work with the Elected Body to ensure that we have formal representation with the national body. They are the areas where we are working in priority area 1, as part of that responsibility for that particular reform area.

**MS McGRADY:** Does that also include the most important part of priority reform 1: the shared decision-making?

**Ms Spence:** Yes. Could I get you to clarify that a bit more? Regarding the shared decision-making, we have other mechanisms where we work with community organisations. Probably our responsibility in reform area 1 is the way in which we work with that representative group to ensure that they are a part of any important decisions, both at the ACT level and at a national level.



**MS McGRADY:** And that involves the shared decision-making?

**Ms Spence:** Yes.

**MS McGRADY:** The community groups or persons that you consult with absolutely need to be involved in shared decision-making, making that decision together, as opposed to all of the other work that you do as well, such as the consultation. There has to be a voice at that table for that community to say, “Actually, this can operate better this way.”

**Ms Haire:** Deputy Chair, we can cover it now or come back to it when Member Walker asks his further question.

**MS McGRADY:** It is Member Walker’s space, so that is okay. Thank you.

**THE CHAIR:** You said that a lot of this stuff is done through Shona. You mentioned Shona’s name. Does she get advice from community, and who in community? You talk about the advisory group. Is that an Aboriginal advisory group? You seem to be going off the question that was asked by Member Walker. You are more talking about consultations. We are here to talk about partnerships. We are talking about our kids’ education, and we want to know about the formal partnerships. When you are talking about the advisory group, is that an Aboriginal advisory group? If not, who is on that advisory group, and who in the community has Shona consulted with? That is what I want to know.

**Ms Haire:** Chair, I am going to invite Ms Beth Craddy to join us at the table to talk about some of those partnerships. To clarify the points that you have just made: we have been talking about two different things. Apologies that it got a bit off track. If I can help—

**THE CHAIR:** Yes; you seem to be talking about consultants. Maybe we need to read the question again, because you are going off track.

**Ms Haire:** I think I can help disentangle it. Let me try, and if it is still tangled let me know. Initially, Ms Spence was talking about the co-design process for Koori Preschool. As discussed, Ms Shona Chapman was engaged to support that. That involved a very significant and deep co-design process. Going to your point, Deputy Chair, that was where it was not a consultation or an engagement or “what do you think” kind of process; it was a genuine process of shared decision-making and genuine co-design. For us, as Ms Spence has said, that was very important, both as an example of what we think is best practice in sharing decision-making but also it is going to serve for us as a model, because we think it is the best example of a shared decision-making process that we have undertaken. So that is part one.

On part two, Chair, Ms Spence was also talking about our advisory body, which has been in place for many years. It is the advisory group for Aboriginal education. As Ms Spence said, since the pandemic that has not met as often. We are currently in the process of seeking advice and guidance about what is the best way to run that. So they were two different things.

**THE CHAIR:** Yes. COVID's been gone for a while.

**Ms Haire:** I am sorry they got mixed together. Ms Craddy can join us at the table to talk about some of the other partnerships that we have with Aboriginal organisations and the shared decision-making.

**MS McGRADY:** Thank you. I will hand back to Member Walker.

**MR WALKER:** I just want to make sure that the information that Beth is going to bring to the table is about the partnerships, the examples from priority 1. We are looking at partnerships in our community with organisations, shared decision-making. You have given a couple of examples, but it still bordering on consultation, rather than developing partnerships. The two formal ones you talked about were the agreement and working with the Elected Body in relation to giving that advice.

We might move on, because we are going to come back to questions around the AECG and the representative Indigenous organisations, where there should be another formal partnership involved. Can we get the explanation about what is happening with that, and the next steps in relation to how Aboriginal and Torres Strait Islander people from the ACT can be involved in that partnership.

**Ms Haire:** Member Walker, we can also talk later on about the partnership with the community that is expressed through the management of Birrigai, which, as you know, has that strong focus on learning on country and a very deep relationship to draw on the Ngunnawal knowledge to inform that. As you might have all seen if you were driving south on Saturday, it included some alarming-looking smoke in the air. It turns out that that was the team at Birrigai, along with Ngunnawal elders, doing some traditional fire management in preparation for the summer. That is another really great example. We can talk about all of those at an appropriate time in the session, Member Walker.

**MR WALKER:** Beth may as well come up to the table now. The next question is: from information on the ACT government website, the ACT Aboriginal and Torres Strait Islander Education Advisory Group provides advice to the ACT government on education and training matters that affect Aboriginal and Torres Strait Islander students, parents and communities. Who are the current members, how often do they meet, what advice have they provided and how has that advice been actioned? I guess a double-whammy with that question is: can you give us an update on the AECG, which is the Aboriginal Education Consulting Group, and what is the next step in that process?

**Ms Haire:** Can I clarify, on the AECG, Member Walker: you mean the national group that is being set up?

**MR WALKER:** No. There was an Aboriginal Education Advisory Group in the ACT which a number of our community members and former education workers were a part of. I will mention a couple of people. Natalie Brown and Deborah Eades were members of that consulting group. It is that structure which I have asked about a couple of times and so—

**Ms Haire:** Yes. That is what I was referring to earlier, Member Walker. It has not met

since the pandemic. I will hand to Ms Spence, and Ms Craddy will join us at the table. That is a very important issue to us and we are currently in the process of seeking advice about what we do next in relation to that.

**MR WALKER:** We have had discussions at our DG meetings. I just want to get that clarified for the hearings; thank you.

**Ms Haire:** I will pass to Angela, and then she will pass to Ms Craddy.

**Ms Spence:** Thank you, Katy, and thank you for that question. I know that the function of that particular group is so important to give voice to the Education Directorate around our ways of operating and supporting the work that we do so that we can truly have the desired impact on our young people. Beth will give some more detail. With that particular advisory group that we are talking about, the AECG, as discussed in our DG meetings, we have had some challenges in getting people to volunteer, which is one of the challenges we have because of relying on the volunteer nature of being a part of those particular groups.

That particular group discussed new and better ways of operating to ensure that we have representation of community for the Education Directorate. Most recently, a decision was made by that group—and Beth will give some more details on that soon—around a particular option, looking at an expert panel instead of an advisory group, to really strengthen the way in which we provide voice. That is the work that is currently happening. We are considering the way that we will go about strengthening that through an expert panel, using what we have learned from the work with Shona Chapman in that co-design process to look at how we co-design that particular group so that we can better support the pathways, the community voice that is really important to the work we do. I will hand to Beth, who might be able to add some more detail around the membership and when these things have occurred so that you have got the detail.

**MR WALKER:** Thank you.

**Ms Craddy:** Good morning, everybody. I think there has been a little bit of confusion because things have changed in the federal space. I will start with that and provide a bit of historical context as quickly as I can, being mindful of the time.

**THE CHAIR:** Katy, can you get the witnesses to make sure that they acknowledge the statement, please

**Ms Haire:** Yes.

**Ms Craddy:** Sorry.

**THE CHAIR:** Yes. Thanks, Beth.

**Ms Craddy:** So all I have to say is, “I acknowledge this statement”?

**Ms Haire:** Yes.

**Ms Craddy:** I do.

**Ms Haire:** Chair, one of the things that the recent estimates committee did was to get all the witnesses to say, “I do” all at once. It was a bit like a group wedding, but then we would have it all done. Would you like us to all acknowledge it now? Then we can keep the conversation going.

**THE CHAIR:** Yes. It is easier.

**All witnesses:** I do.

**Ms Craddy:** Up until 2014 the consultative bodies were funded by the federal government. In 2014, I believe under the leadership of Mr Abbott, the funding was withdrawn. We had a surplus amount of money at that point, which we quarantined and rolled from year to year in order to keep a consultative group going. At that point, there were two incorporated bodies in the country, in Victoria and New South Wales.

We were basically the only other jurisdiction that was keeping a group going, but ours was not independent because we could not incorporate. Since that time, South Australia has managed to incorporate, but I think that is it. At this point in time, there are the three. Then there was the talk about the National Aboriginal and Torres Strait Islander Education Committee, which we had representation on, even though we were not incorporated. Carly Freeman represented us at that one. We did not necessarily have voting rights, but we had a seat at the table.

From there, we started talking about the First Nations Voice to education ministers. The NATSIHEC group, the national group, is going to provide that First Nations Voice function to the education ministers. To get a seat at that table, the representatives from each jurisdiction, if they are not from an incorporated body, must be a representative of the community. I think earlier this year the DG sent a letter to the Elected Body asking if there was scope for the education representative to participate at that meeting, and to have a voice at that national table.

I think it was a couple of years ago that we went through the process of trying to incorporate the consultative body. It was not feasible, and with the members that we had left, the agreement was that we would investigate an expert panel. Since that time, the First Nations Voice appeared, and so we were attempting to establish that first, and to have a voice at that table. Dr Kaye Price, who I think many of you will know, was the interim representative for the ACT so that we continued to have a voice at that table.

You mentioned Deb Eades and Nat Brown. Deb Eades was one of the more current members of the group. I think she is still in contact for consultation, especially around special ed arrangements. From memory, Nat was a member many, many years ago, but not recently. I think our challenge at the moment is to formalise our arrangement with the First Nations Voice to the education minister so that we definitely have a place at that table and—

**THE CHAIR:** Beth, can we bring it back to us. We want to know about the community having a voice with ACT Education, not this national body.

**Ms Haire:** Chair, if Beth describes the process that we are going through to identify

and establish this new model of the expert panel, I think that is the direction you would like to go in.

**THE CHAIR:** We do, but then we want to know more about the ACT community as well.

**Ms Craddy:** Okay. With the First Nations Voice to EMM, or education ministers, if that goes through—and I have not heard any outcome from the request from the DG that the Elected Body take up that role for us—then we would have to decide on the mechanism and how that communication would take place. I would imagine it would be the Elected Body that would do a lot of the consultation around that, and we would support it. But that has not been finalised. I have not seen an outcome from the letter. Forgive me if it has actually happened. As far as the expert panel is concerned, it would be also a co-design process to establish that. All of this takes times. The other thing, I think—

**MS McGRADY:** Excuse me, Beth. That decision is still left to government, so it is not feeding into priority reform 1, where Aboriginal and Torres Strait Islander people choose their own representatives. Where in this are we having a say in the representation—who we believe, in our community, are the decision-makers or the main contributors?

**Ms Craddy:** When we get to—

**Ms Haire:** Sorry; Beth. Deputy Chair, the bit in the story that Beth can go back to is that the idea of an expert panel has come out of the discussion and decision-making of our former consultative group, when working with us on why that model was no longer fit for purpose and identifying a future model. Do you want to talk a little bit about that discussion first, Beth, and then how the design would flow from that?

**Ms Craddy:** Okay. Essentially, as I said before, that decision was reached because the members of the consultative advisory group were not in a position and did not have the desire to incorporate. There were several efforts to try to get the incorporation happening. The education directorate could not run that incorporation process. We basically could provide some resources for it, and then it was a matter of handing over and trying to get that up and running.

Then we went to the First Nations voice, and because the Elected Body members are elected and chosen by the community, we figured that would be fit for purpose. When it comes to the expert panel, we have not even really started that process, and it would involve consultation with the community about deciding on who would be on that actual panel.

**MR WALKER:** Sorry, Beth. Sorry to cut you off, and thank you for the background in relation to the national focus. I think the question from community that is in the later part of that question—I did not realise it was going to be repeated—was about what is happening locally. Now that you have expressed that, I guess the question from me then is: when will that process of looking for other members to sit on that start, regardless of incorporation or not? It is just about representation. And, forgetting about an incorporated entity, it is just about people wanting representation to give advice, as it

says in the question, on education and training matters that affect their kids, obviously. If that is where we are at—you just said that you are not ready to start that process yet—

**Ms Craddy:** I would imagine we will start that process before the end of the year. The First Nations voice stuff has nearly landed, really, as far as I think we can go with that. Then, being mindful of what mechanisms are needed to be able to establish that it is a truly representative voice of community, I think that is going to be part of the challenge, in that sense, and we will happily work with whomever, to come up with that arrangement for the expert panel.

**MR WALKER:** It has been four years since that organisation has given advice in relation to that. I know that you said that Deb has been giving ad hoc advice over the years, but structurally, from a community's perspective, there has not been a gathering of that group because of the lack of numbers. Can't we have our own process without waiting for national outcomes?

**Ms Craddy:** Of course we can. Forgive me; part of this is the agency of the community to do something rather than waiting for us to create the structure. We are more than happy to work with people, but we are constrained in the government space. We could hold a meeting. We could ask people to come. We have done that on several different occasions. If you guys have got a way that we can progress this, given the constraints of being in public service land, I will happily take those on board and make a move in that space.

**MR WALKER:** Thank you.

**Ms Craddy:** Again, it is not for want of wanting to do this; it is working out a way of being able to do this.

**MR WALKER:** Thank you. We will move on to priority 2, engagement with Aboriginal Community-Controlled Organisations. How many local, ACT-based ACCOs have you worked with in the last two years?

**Ms Haire:** Thank you, Member Walker. I will pass to Ms Spence to answer that question, and Ms Craddy.

**Ms Spence:** Thank you, Member Walker. We have different relationships with different Aboriginal Community-Controlled Organisations. I will describe the first couple, and then probably some less formal relationships that we have that are through our schools that we do not necessarily have as strong a line of sight on.

The first one probably is with Gugan Gulwan, and the way in which, through various areas in the Education Directorate, we engage with Gugan Gulwan. One of those examples is through our flexible education unit, especially in the way in which our Murrumbidgee School works with Gugan Gulwan to support Aboriginal and Torres Strait Islander students that attend Murrumbidgee School. They have a very strong partnership, in that particular area, with staff visiting Murrumbidgee School each week to support young Aboriginal and Torres Strait Islander students in that particular space.

We also have our targeted support team that provides support into our schools and



works with our schools directly. They often reach out to Gugan Gulwan, as well, to provide the wraparound supports to some of our students in our schools as appropriate.

**MR WALKER:** Is there another one besides Gugan? You said you had two.

**Ms Spence:** Yes, so that is the first one.

**MS McGRADY:** Can I just say, as well, that there is a lot of waffle. Can you just answer the question which was around how many ACCOs and who. We do not need all of the other stuff—

**Ms Spence:** The explanatory.

**MS McGRADY:** It would be good if you could just directly answer the question.

**Ms Spence:** Yes. The other one is with Winnunga. We use Winnunga to provide our kindergarten health checks as part of our work there. Some of the other relationships directly with our schools are through Yedding Mura, which is an organisation that works directly with the school engaging them, and Yerrabi Yurwang, which has relationships with schools directly, but not necessarily through the Education Directorate office. Beth, I will hand to you if there are any others that you are aware of.

**Ms Craddy:** We are actually in the process of working with the Winanggaay Ngunnawal language group, and we will be, at some stage in the near future, formalising a partnership that carries funding with it as well to further their work and be able to get resources into school. That relationship has not been formalised as yet. It will be done before the end of the year.

We had been working with them for a good couple of years before they were incorporated. And even though they are incorporated, most of their work is done on a volunteer basis, so we are working with people who have full-time jobs. We have been running Ngunnawal language workshops for the last few years with Cheyne Halloran, and he was involved in our symposium as well. When we do formalise that relationship a lot of it will be around getting resources into schools, and we will be starting, hopefully, with the early childhood end and getting some literacy resources in that space.

**MR WALKER:** Thanks, Beth. That was the second part. One of the other questions was about any new community-controlled organisations. There is no transition of services here with the existing organisations?

**Ms Haire:** Member Walker, I guess this goes back to when we started talking about its being different with different directorates. We deliver public education, and so we partner with Aboriginal organisations, but in fact the responsibility for public education remains with the government, which I think we would all want to be the case.

**MR WALKER:** Thank you very much.

**Ms Haire:** And early childhood.

**MR WALKER:** With the Ngunnawal language group, how are you assisting that



organisation to contribute to the partnership?

**Ms Craddy:** In the first instance, as an introductory measure, we provided them with a substantial sum of money for a small word glossary, which we can now use in schools. At the symposium on Friday Shane ran workshops on the pronunciation of all the words in that glossary so that they are not going to be misrepresented in schools. That was one of our concerns: that people would pick up the glossary and start mispronouncing things and make it not as valuable and as authentic as it should be.

I cannot go into all the details at this stage because they have not been finalised. However, we are in the process of negotiating how we can provide the funding for them to be able to employ a linguist, in the first instance, to progress their work. There have been hold-ups in that space as well, for personal reasons with the linguist. We are also looking at how we can develop some early childhood resources. The discussions are fairly preliminary at this point.

**MR WALKER:** Thanks, Beth. We are going to move on to the Indigenous procurement policy. What is the number and the value of contracts that you have supported under the Indigenous procurement policy?

**Ms Haire:** Thank you, Member Walker. I will invite Mr David Matthews to address that question. We also have a really good example of a very significant project that he might invite Mr Nakkan to address with you as well.

**Mr Matthews:** I acknowledge the witness statement. I will give the facts and figures related to the question. The Aboriginal and Torres Strait Islander Procurement Policy came into effect from 31 May 2019. Originally, the target was one per cent, then 1.5 and then two per cent of addressable spend. In the Education Directorate in 2022-23, the most recent financial year, there were 27 contracts awarded to Aboriginal and Torres Strait Islander enterprises, with a total contract value of \$4.91 million, which was, in total, 2.3 per cent of the directorate's addressable spend.

**MR WALKER:** Thank you. What are the requirements within the contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander people?

**Mr Matthews:** Member Walker, the contract forms depend on the size of the contract. As you would be aware, they have a general set of conditions and contract terms, and then they have schedules which describe the services. So it really would depend on the types of services. Where the initiative is specifically targeted at the Aboriginal and Torres Strait Islander community, generally there would be an expectation of community engagement and potentially some employment outcomes. That is a general answer. It would really depend on the specific contract.

**MR WALKER:** Do you ever seek Indigenous-specific outcomes, and how have they been achieved?

**Mr Matthews:** Absolutely, within that range of contracts. As Ms Haire said, most of our work is service delivery ourselves, but we tend to have either very large contracts, in the form of major capital works, or smaller contracts. A lot of the smaller contracts that are led by schools would be for local cultural integrity work, for murals, for doing

work around cultural gardens, for example. There are a lot of smaller scale projects which would be below that reporting threshold which would be done at a school level. Then there are the major projects, which would generally be mainstream projects. For example, with our major capital works our design specifications have a number of measures around cultural integrity built into them. We want to make sure that when we are doing these major capital works projects we design in some cultural integrity.

The one example that Ms Haire talked about—which we would be happy to further expand on, if that is useful—is that, under the Indigenous procurement policy, we undertook to have a pilot project with Major Projects Canberra. The project that was selected, and in fact has been delivered, was the expansion of the Gold Creek senior school. That was a major capital works project in particular that we used the Indigenous procurement policy to deliver through. We can provide some further details on that, if that would assist.

**MR WALKER:** With your larger contracts, obviously you would be seeking Indigenous outcomes for employment?

**Mr Matthews:** I would have to check that. My colleague Mr Nakkan might help me with the general terms and conditions. Generally, there are not specific employment outcomes in general contracts. Mr Nakkan might be able to assist me with that particular project that we have mentioned.

**MR WALKER:** I thought that part of the Indigenous procurement policy was around making sure that larger contracts have investment in Indigenous employment and that there is a set percentage in relation to Indigenous employment. I know that one of the schools that you were building recently had outcomes for Indigenous employees—employment opportunities. It is kind of a general question, I guess. If you are going to have bigger contracts in the future, such as the new school that is proposed, you would hope that in that contract there would be employment outcomes for our people.

**Mr Nakkan:** I acknowledge the witness statement. All major procurement—all procurement that goes to tender; procurement over \$200,000—has a requirement in the tender process to have Aboriginal and Torres Strait Islander peoples' economic participation. All tenderers have to identify what level of participation from Aboriginal and Torres Strait Islanders people there is in their process, whether that is in the design process, in the construction team or in the management of those contracts. Through government and through Major Projects Canberra, we seek that as a criterion for decision-making in the contract letting.

**MR WALKER:** If you choose to make that an outcome, you are able to do that, yes? It is part of the commitment to Aboriginal and Torres Strait Islander outcomes.

**Mr Matthews:** Yes, Member Walker. As Mr Nakkan said, we certainly invite tenderers to bid against employment participation, but you are right: the ACT government can determine the requirements that it puts out to tender.

**MR WALKER:** Thank you. In relation to mainstream organisations, what are the specific requirements that those organisations must have to guarantee access to services in the community? Obviously, they all must have Aboriginal and Torres Strait Islander

staff within the organisation and have representation on boards and in how they procure services. If that is too long, I can subtract that.

**Mr Matthews:** No; I am just trying to work out the best way to answer that, Member Walker. Obviously, in the procurement area you have got goods, services and capital works. The majority of our procurement is in the capital works area; that is where we are building and upgrading facilities. We tend to take a project management approach. We go through a procurement process; we manage a contract, including the sorts of outcomes that we have talked about; and then we deliver it and hand it over as a functioning asset to schools. Schools use that to provide public education. Mr Nakkan may have something else to add to that.

**Mr Nakkan:** No; that covers it, from my understanding.

**Mr Matthews:** As I said, we do fewer goods and services contracts, but that would be quite specific to the individual contract.

**MR WALKER:** I have got a message here. Obviously, people are listening to us while we are talking.

**Mr Matthews:** Great.

**MR WALKER:** These are all elements to show Indigenous participation in procurement, as part of the policy. We are checking how you are going on this. We want to know how you are going on that. Obviously, part of that is around that consideration of Aboriginal and Torres Strait Islander employment outcomes. If you are looking at larger projects then there should be consideration for Indigenous employment.

**Mr Matthews:** The only thing I would add, Member Walker, is that, as Mr Nakkan has pointed out, it is a criterion that we use to select the provider. Then that becomes a contract condition. If a provider says that they will be employing a certain number of people then we would hold them to that, as part of the contract management process. That is the way that it works, but it would vary per individual contract.

**MR WALKER:** Obviously, there is a choice there for you to negotiate regarding percentage of Indigenous employees.

**Mr Matthews:** Yes, Member Walker. We add that as a criterion. With the weighting of that criterion, how much prominence we give that criterion is determined in the evaluation plan for each of those procurements.

**MR WALKER:** Has anyone not met those targets, and what have you done about it?

**Mr Matthews:** I am not aware of any.

**Mr Nakkan:** No; as Mr Matthews stated, it is part of the contract selection process. Once the successful contractor begins work, through the contract management process we make sure that they are committing to those deadlines and commitments. We meet every month with the contractor and we go through all of those criteria that are in the

contract and ensure that they are achieved. Because of that continual engagement, we do not see any non-performance.

**MR WALKER:** How are you engaging with Aboriginal and Torres Strait Islander businesses and how many contracts have you entered into with Aboriginal and Torres Strait Islander businesses?

**Mr Matthews:** The advice from Procurement ACT is that it is those 27 contracts last financial year; they have met the reporting threshold and they are publicly reported through the contracts register. They are Indigenous businesses and they would be larger and smaller businesses.

**MR WALKER:** Priority reform 3: how is your directorate implementing the Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Ms Haire:** I will invite Ms Spence to join us. We might invite Ms Craddy as well. We have responsibilities under the agreement, under the children and young people area. We have actions under economic participation, lifelong learning, cultural integrity, inclusive community, and community leadership. Effectively, we have actions under each of the areas of the agreement.

We have a very extensive process that we have gone through that we have shared with you, and we are very keen to share with the rest of the Elected Body, reflecting on the outcomes from the end of the first action plan and translating that into achievable outcomes with genuine impact in the second action plan. We have identified those and, as the Auditor-General found last week, we have a strong governance approach to monitoring how we are going on each of these.

If it is helpful, depending on how you would like to go through it, we can step through what our responsibilities are under each of the areas, we can talk about the process, or we can do both.

**MR WALKER:** Obviously, part of that answer would go to how you work with other directorates to implement the agreement.

**Ms Haire:** I will kick off on that; then Ms Spence and Ms Craddy can take it further. As you know, there is a whole-of-government responsibility for implementing the agreement. The core responsibility sits with CSD, through the Office for Aboriginal and Torres Strait Islander Affairs.

I am on the Strategic Board subcommittee that oversees the implementation of the agreement. Ms Spence sits on the IDC that governs the whole-of-government actions, and Ms Craddy is on other governance bodies and also is the lead on a couple of the whole-of-government actions.

The implementation of the agreement includes some actions that are the core and sole responsibility of individual directorates; it then has other cross-cutting elements, such as cultural integrity, where projects are undertaken across the entire ACT government.

In the Education Directorate, we are involved with both, and the governance that we

are all a part of is primarily looking at the cross-directorate responsibilities. We in our directorate then report on and monitor our individual directorate responsibilities. Of course, as you know, the agreement responsibilities then flow up into how the ACT accounts nationally for the Closing the Gap targets as well.

We do work very closely on cross-government priorities such as cultural integrity. There are also a number of our actions—for example, the three-year-old preschool actions and the Koori preschool—which require us, in order to achieve those, to work extremely closely with other directorates, including in particular the Community Services Directorate. We have different relationships depending on our responsibility for actions under the agreement.

That is the structural level, but we are really happy to go into further detail, the cross-directorate elements we are responsible for, or what we talk with you about every month, Member Walker—the ones that the Education Directorate is directly responsible for.

**MR WALKER:** I have not seen the Auditor-General's report, but he was not very nice. He said that your governance was ineffective.

**Ms Haire:** The report from the Auditor-General last week made a number of recommendations about how the cross-government governance could be improved, and CSD is working on that. In relation to the Education Directorate specifically—

**MR WALKER:** Not necessarily yours; they may have missed that.

**Ms Haire:** It reflected on both. I think that is a really important point that you are making. It said that, at the whole-of-government level, the governance could be stronger. In terms of individual directorates, it was generally positive about how we monitor and implement our actions under the agreement. It used us as an example of good practice in relation to that.

**MR WALKER:** You were going to answer the first part of that question.

**Ms Spence:** Was the first part of the question around the way in which we work with other directorates, or would you like me to—

**MR WALKER:** How do you implement the agreement as part of your core business?

**Ms Spence:** Thank you for the question. I will firstly go through the way in which we have developed the phase 2 implementation plan and hand over to Beth for some more detail around the ongoing engagements.

**MR WALKER:** Could you be a little bit succinct about that information, because of the time.

**Ms Spence:** The development of the phase 2 implementation plan is done collaboratively across the whole of the organisation. Our Aboriginal and Torres Strait Islander team led our senior executive through a reflection process on phase 1 implementation and a review of our impacts. We have used that to develop a

collaborative approach to how we share responsibility for actions across all areas of our directorate. Something that is really important to us in developing each of those actions is the shared responsibility that everyone plays, as part of the phase 2 implementation plan. I will not get into that detail.

Part of our responsibility and the way that we share that across the directorate is the way in which we engage in our monthly meetings with the Elected Body. There is the work that we are doing to do stronger, deeper dives into our progress against those actions. We are looking at measuring the impact and what are the indicators of success. We invite various members of the Education Directorate to actually provide the detail at each of those monthly meetings. We ensure that we are working together with the Elected Body, of course, in that space and that we are keeping people informed. We are also engaging broadly across the Education Directorate because we believe in shared responsibility.

Another aspect of that is the way in which we support the reporting component against all of the phase 2 implementation plan actions. We are coming up to our first reporting cycle. Again, it is a shared responsibility; it is not sitting with our Aboriginal and Torres Strait Islander team, because our commitment is that every one of us is responsible for enacting the implementation plan to meet the aspirations of the national agreement.

In terms of process, that is how we support the implementation of that particular process more broadly across the directorate. Would you like some more detail around the specific actions?

**MR WALKER:** No, that is fine. Do you want to add anything to that?

**Ms Craddy:** Yes, I will add transforming government organisations. To quote Engoori, it is easier to create a new culture than it is to change an old one, but we are in the position of having to change old ones, existing ones. One of the big pieces of work that Education has probably taken the lead on is addressing systemic racism, which is part of the whole-of-government agreement. We tabled that at the interdirectorate committee meeting last week. Hopefully, in the next month we should be able to get that approved at that level and move it up to Strategic Board; then there will be some traction across the entire ACT government.

The cultural integrity whole-of-government framework is being trialled in essence through the Education Directorate, where we have our commitment to cultural integrity which is replacing a RAP. It is a lot more comprehensive than a RAP for us and it has the governance structures in it; people are basically committing to things that they will have to do rather than it being aspirational, like a lot of RAPs are.

We are involved very much in this work with the Aboriginal and Torres Strait Islander staff across the whole of the ACT government, as well as our Education team. Having said that, with the Education team, and our team in particular, there are 24 staff members; 20 of those are Aboriginal and/or Torres Strait Islander, and they are also members of the community. When we are talking about community, we are talking about the 159 Education staff as well as however many there are across ACT government in that space, and we work very closely with them on all of those.



With the governance structure around what we are doing with the phase 2 part of the agreement, most of that is transformative but it will take time. We probably get a little bit over-excited; Pat and I live and breathe this stuff all day, every day. Trying to make those changes is something that we very much want to do. The governance part of the whole-of-government agreement, especially for Education, is important. That was brought up in the Auditor-General's report. That is where the CorpEx and the executive governance team will play a role in making sure that all of those things take place.

An internal aspect of that is what we call a dashboard. We are in the process now of negotiating one central place, as with the whole-of-government agreement dashboard, where we can, with the touch of a button, come up with what people are doing, so that it is in their minds that they need to progress all of these things in a timely manner. Does that answer your question at this point?

**MR WALKER:** You mentioned systemic racism. One of the things that is probably outstanding is that the Elected Body was not involved in that process as a collective. Can we get a chance to look at that? Obviously, it has been submitted. With the questions under systemic racism, what have you done to review your legislation, policies and processes to identify and remove systemic racism?

**Ms Haire:** Member Walker, maybe I can divide that into two questions. One is about the whole-of-government work that is going on in relation to systemic racism; Ms Craddy talked about taking a very strong leadership role in that area. That work, as Ms Craddy said, is in the process of being completed. One of the elements of that will be that it will go to the committee that I sit on, and either the chair or the deputy chair of the Elected Body sit on, which is the Strategic Board committee. I am not sure whether there are other elements, but that is certainly part of the process.

Beth, you will have to jump in and correct me if I have got this wrong. This will then set up a framework for all directorates for how they do that next bit that you have just talked about—how you interrogate and review your own internal structures to identify where there are elements that could perpetuate structural racism. That will flow from that framework that has been developed, Beth, I believe.

**Ms Craddy:** Yes. The framework basically is very simple. It is based on research from around the planet. It is looking in the first instance at areas, pillars or domains. For example, leadership, governance and accountability is one. Recruitment and workforce development is another. There are another five; my brain has gone to mush with remembering all of those at this point in time. Pat might be able to fill me in when I come back next time. I believe that the Elected Body is represented at the IDC as well.

**MS CHIVERS:** Given that we are on the IDC, I absolutely do not understand why we have not been included in this whole-of-government work around systemic racism, given that we are a member of the IDC. I think it is a real shortcoming that the Elected Body has actually been excluded. Yes, you have just said that the signed-off report will be going to Strategic Board, but why haven't we been involved in anything prior to the final report going to Strategic Board? That is an absolute shortcoming. If we are a member of the IDC, we should have been included in this important piece of work.

**Ms Haire:** Ms Chivers, maybe I can assist; I may have misspoken. I did not intend to



say that it would be the signed-off version that will go to the IDC and to Strategic Board; it will go to those two bodies for decision and discussion. It is not a fait accompli.

**MS CHIVERS:** The fact is that we have not, as a member of the IDC, been involved in any of the systemic racism piece of work. Yes, it may come to us at whatever stage, but the question is around why the Elected Body has been excluded from this important piece of work, given that we are a formal member of the IDC.

**Ms Spence:** I can attempt to answer that question, but I am probably not able to give you a specific answer until I get further information. OATSIA, of course, is the secretariat for IDC. At the last IDC meeting a paper was presented on the framework that Beth just talked about, which was an update on what the working group is working towards. It has not gone through any approval processes at this stage. I can see where that question is coming from. I will probably need to come back to you on the specifics around the invitations—

**MR WALKER:** If you could take that on notice, that would be great.

**Ms Spence:** that have happened prior to that last meeting.

**Ms Craddy:** With all due respect, we may have ended up taking the lead on this work. The leadership originally sat with CMTEDD, and there was a cross-directorate working group. I joined that working group at the beginning of last year. It had been in operation for 18 months and things were going backwards and forwards.

At that point in time they then chose, from the Aboriginal and Torres Strait Islander component of that working group, two co-chairs to sit with the non-Indigenous chair. That happened to be me and Jacob Keed. We have attempted to progress that work with a working group that changes backwards and forwards. I take your point. It is not something that I was aware of, as far as the mechanisms were concerned, and it is something that needs to be addressed, well and truly.

**MR WALKER:** We can assume that the directorate is involved at the government level in relation to systemic racism. What has the directorate done internally in relation to addressing systemic racism? What legislation has been reviewed and amended, if any? What policies have you reviewed and amended, if any?

**Ms Haire:** Member Walker, in terms of the whole-of-government approach to systemic racism, which is not yet finalised, that will create a—

**MR WALKER:** Basically, your processes are locked into that government process?

**Ms Haire:** Yes and no. I do not want to make it sound like it is a lock-step thing, and I appreciate the point that you are making. There is the whole-of-government approach to systemic racism which is being developed and has not yet been landed. As part of our work through cultural integrity, in some ways we see cultural integrity as being the driver of how you transform organisations positively. Systemic racism, of course, is what we are trying to identify, address and eliminate, so those two things have a very close relationship in the philosophy that has been developed in the Education Directorate.

We are working, as Beth said, to continually embed the elements that I talked about at the outset of cultural integrity through all of our work. That means that it is part of the work that we have done, and we have been progressively making amendments to the Education Act. Beth also mentioned our commitment to the cultural integrity process, which is what we like to think of as the next step on from having a RAP—having a genuine whole-of-organisation commitment to cultural integrity which includes truth telling and reflection on all of our processes.

**MR WALKER:** Can you give us an example of the amendments?

**Ms Haire:** We have not made specific amendments in relation to Aboriginal and Torres Strait Islander people, but in all of the work that we have done—I might have to invite Ms Efthymiades to help refresh my memory—we are in the process, I think we are at stage 4, of making amendments in tranches to the Education Act. All of the work that we do is informed by our cultural integrity approach and involves consultation and discussion.

**Ms Craddy:** One very practical thing we are doing and that we have started as part of phase 2 is that all outdated policies and procedures will go through some sort of consultation—hopefully, through D-G meetings with the Elected Body, for a start. If it requires further consultation, we will set up those processes.

The other thing we are doing is a scan of everything, looking for discriminatory language, underlying values that are discriminatory and looking at unconscious bias that is sitting inside all of these documents. That is where our team in particular comes in, because there are 20 staff members in one group that can start to do a lot of that work. We will then, with the D-G and the Elected Body, look at some of those.

**MR WALKER:** We might take a short break. We will resume at 11 am.

**Hearing suspended from 10.43 to 11.02 am.**

**MR WALKER:** We have 1½ hours together. I want to get to these first questions as quickly as we can because there are some community questions that I can put on the table, given that we went out to community to get questions as well. The next subject is about racism. How is ACT Education supportive of Aboriginal and Torres Strait Islander employees across the ACT public service to reduce experiences of racism and discrimination in the government system and to do that by 80 per cent by 2028?

**Ms Haire:** Sorry, Member Walker—is that about how we work to reduce racism for our employees?

**MR WALKER:** Yes.

**Ms Haire:** I will invite Mr Daniel Ackland, who is our executive branch manager for People and Performance, and Mr Matthews, whom you have already met. Daniel, you will have to acknowledge the witness statement.

**Mr Ackland:** Good morning, Chair, Deputy Chair and members. I acknowledge the witness statement. Thank you for the question, Member Walker. I will have to take on notice how, but I want to give specifics around some data on instances of racism and how the Education Directorate has reduced the numbers. In comparison to the staff survey in 2021, at which point 1.2 per cent of respondents outlined that they had experienced discrimination based on race, in the most recent all-staff survey, conducted in 2023, that number had reduced to 0.8 per cent of 606 respondents.

**MR WALKER:** The question was: how has ACT Education supported Aboriginal and Torres Strait Islander employees to reduce the number of those experiences?

**Mr Matthews:** Member Walker, I will make a couple of quick dot points. As Ms Haire mentioned, cultural integrity is at the heart of what we do. In addition to that, it is around the support we provide our current staff. The staff network in the Education Directorate is a key support mechanism, as well as all the other employee support services we offer. In addition, we are developing an Aboriginal and Torres Strait Islander employment action plan. That focuses on attracting staff but also retention. That is a key part of the plan that we have been putting together—that we acknowledge that we want to retain our existing staff and we want to be an employer of choice. That is about making sure that staff feel fully accepted by the directorate and that they can bring their culture, as well as their other skills, to their jobs. We want to roll out that plan, including those additional initiatives, for existing staff, as well as the attraction and retention initiatives that are in that plan. It is currently in draft and we are consulting on it.

**MR WALKER:** Thank you. Daniel, you have quoted some numbers. How many incidents of racism are generally reported in the directorate each year? How are they reported? And how does the directorate address racism? David, I think you will answer: how does the directorate address incidents of racism and how do they prevent it in future? I guess that depends on the roll-out of the Cultural Integrity Framework.

**Mr Matthews:** Different people will answer different parts of that question, from a staff perspective and the community perspective. We want to make sure that we address racism in our workplaces and in our schools every day, so the initiatives will be different, depending on whether we are talking about staff or the general community.

**MR WALKER:** Alright.

**Mr Ackland:** Specifically regarding staff members, individual cases can be reported to the People and Performance team, and they are subject to an investigation as part of the employment policies. The numbers I referenced earlier were through the 606 respondents to the all-staff survey that was conducted earlier in 2023. From an internal metric perspective, that is the number that we use to measure instances of racism.

**MR WALKER:** How many incidents of racism are generally reported?

**Mr Ackland:** That number is 0.8 per cent for the survey period.

**MR WALKER:** Of the 606—

**Mr Ackland:** Of the 606 respondents. That is correct.

**MR WALKER:** Dave, you were talking about prevention and addressing the incidents of racism and what you do to prevent it in the future.

**Mr Matthews:** Yes, Member Walker. Obviously, we want to prevent racism. We acknowledge that racism exists in the community and in our organisation. It is just a fact. We start with that level of honesty and that level of acceptance—that there is active work to do. We need to make sure that, from a leadership perspective in the organisation, we are signalling to the staff in our organisation that we do not accept racism and that we think it should be addressed and also prevented.

In addition to having the mechanisms that Mr Ackland talked about, we have things like the Respect, Equity and Diversity Framework and other measures, but it is really about building a culture where we can acknowledge our history as a country, our history as an organisation, and all the things that each of us brings to our roles in our organisations. That is the work that was referred earlier about the directorate's cultural integrity commitment.

**MR WALKER:** Thank you. We will move to workforce now, Katy. We understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as a part of improving services to community. There continue to be concerns raised across the community that some staff are not recognised or accepted or connected to our local community. Some of the questions under that are: how do you ensure these people meet the definition of being an Aboriginal or Torres Strait Islander person; and how do you make sure that they have the lived experience connection with the community that is critical to their ability to engage and deliver outcomes to the Aboriginal and Torres Strait Islander community?

**Ms Haire:** I will ask Mr Ackland to answer the first question, Member Walker.

**Mr Ackland:** Sorry—could you repeat the question, Member Walker?

**MR WALKER:** Daniel, I do not want you to feel left out, mate. How do you ensure these people meet the definition of being an Aboriginal or Torres Strait Islander person? And how do you make sure that they have the lived experience connection with the community that is critical to their ability to engage and deliver outcomes to the Aboriginal and Torres Strait Islander community?

**Mr Ackland:** In short, the answer is that, when employees are new to the Education Directorate, as part of the on-boarding process, there is the ability to self-identify as an Aboriginal or Torres Strait Islander person. There is no confirmation of Aboriginality through that process; it is by self-identification.

**MR WALKER:** Thank you. Do you want to add anything to that?

**Mr Matthews:** No, Member Walker. Obviously, for any designated roles or identified positions, there would be an additional requirement to show cultural connection in order to qualify for any identified roles.

**MR WALKER:** Thank you.

**MS CHIVERS:** How do you ask people to show cultural connection?

**Mr Ackland:** It is through the pre-on-boarding checklist. Through the self-disclosure statement that the prospective employee has met the minimum requirements, there is a confirmation of Aboriginality process for identified roles.

**MR WALKER:** Thank you.

**MS McGRADY:** Could I make a comment, Member Walker?

**MR WALKER:** Yes—a comment or a question?

**MS McGRADY:** A question.

**MR WALKER:** A question would be good.

**MS McGRADY:** I will do my best. The legal definition of Aboriginality has three points: you have to identify, be recognised in your community as such, and also be a blood member of the Aboriginal and Torres Strait Islander race. That is really important and integral to why we ask these questions, because there is a strong purpose behind it. I am just bringing that to the table—the definition as we understand it to be. That was a comment—sorry.

**THE CHAIR:** Could I add something to that? When you are talking about cultural integrity—I am jumping ahead a bit and I am going to waffle now—and you have teachers that are trained in cultural integrity—I hope that is what we are talking about here—there seems to be so much talk in community, from parents. They feel that cultural integrity is dealt with in schools when the teachers are the first point of call, knowing that they are not all Indigenous teachers. When we are talking about cultural competency in the workforce, are we talking about the teachers as well? The teachers are not identified in community, so why are we giving so much responsibility for cultural integrity to non-Indigenous teachers, which are the first point of call? Feedback from the families in community is that it is not working anyway.

Was it because of lack of funding that the ALOs were pulled out of there? What was the reason? We are talking about the workforce and cultural integrity—and this is really close to my heart—and we are talking about the definition of Aboriginal staff with lived experience and connection with the community to support Aboriginal students. David, would that not be where it first starts, with them, because they are all non-Indigenous teachers and that is an extra workload for them? Would it not be easier to put the ALOs back in the schools so it will be first practice?

Racism is high on the agenda in schools. In one school in particular, their racism policy is based on bullying, so how does that work? I am just sitting here thinking. We are talking about cultural integrity. There is a lot of talk in the community that it is not working for our kids. I hear it all the time. I get mothers on the phone and families on the phone. They say, “Listen, this is not working. Our kids are not approaching them.” There are a lot of families not accounted for and families are moving around the schools.

I do not know if you have data on that, but I would like to see the data about how many Aboriginal kids moved schools. Is that what we are looking for?

**Ms Haire:** Chair, there are a lot of important points in what you are covering. What we are talking about at the moment is the process through which we employ Aboriginal staff. I think the question was: how do—

**THE CHAIR:** Yes, but the non-Indigenous staff are holding our cultural integrity program. They are our first point of call.

**MR WALKER:** Yes. That is the next part of that.

**THE CHAIR:** I know that, but, when you are talking about employment, we are also talking about Aboriginal staff, yet the non-Indigenous teachers are holding the cultural integrity program, project or whatever you want to call it. They are holding that for our kids, if that makes sense. How connected are they to community? How connected are they to cultural competency and cultural awareness? There is a difference in all of that.

**Ms Haire:** In terms of how we support and train our teaching staff and leaders in cultural integrity, we have talked a little bit about that in the symposium that I talked about at the beginning. That was an example of that, but I am really happy to come back to that or I can talk about it now, if you would like me to.

**THE CHAIR:** Not on cultural integrity. I am just talking about the workforce stuff.

**Ms Haire:** If you would like to continue talking about the workforce matters, I think Mr Matthews can pick that up.

**MR WALKER:** I have a few more questions in relation to the employment of Aboriginal and Torres Strait Islander people in education. Thank you for the first part of that question, David and Daniel. The next couple of questions are: how do you track compliance with the process; and how do you ensure that the advice that is given is culturally appropriate?

**Mr Matthews:** Just for clarity, Member Walker, is that about the employment process generally or about the work of staff once they are employed?

**MR WALKER:** Employment of Aboriginal and Torres Strait Islander people. The first question is around how you look at a definition and people meeting that definition. You talk about the Aboriginality form and self-identification. Is any other mechanism used to do that?

**Mr Matthews:** Mr Ackland described it. It is self-identification generally and then, if there are identified roles, we have briefly covered that. If it assists the body, we can give some stats and figures around staffing, if that is where you would like us to go as well. Going back to Ms Keed's comments, we want to have cultural integrity, which is everybody's responsibility, and we want to employ more Aboriginal and Torres Strait Islander staff. We need to do both of those things in order to make sure that the experience of Aboriginal and Torres Strait Islander children is the best that we can possibly make it. We are committed to increasing our staffing numbers and we have



increased our staffing numbers. Mr Ackland can talk about the most recent numbers. The Elected Body has not had these hearings since 2020, so I can say that our head count has gone up by 40 since the—

**THE CHAIR:** Are they in schools or are they in your department?

**Mr Matthews:** This is across the directorate altogether. What I can say is that there have been 40 additional staff since 2019, of which 34 are permanent. The other thing that we have been trying to do is to make more jobs permanent rather than temporary or casual, which is—

**THE CHAIR:** How many of them sit in schools, David?

**Mr Matthews:** Out of those, there have been 23 administrative officers, one executive officer, two school leaders, three senior officers and 11 teachers. That is the breakdown of the additional staff that have been employed over that period. Mr Ackland can talk about current numbers as well, if that would be of assistance.

**MS CHIVERS:** The issue from community, though, is that, just because someone identifies as being Aboriginal or Torres Strait Islander, it does not mean that they are connected to community. We have more Indigenous staff and they self-identify, but the real issue for community is the fact that, yes, they may self-identify, but they have no connection to community. I think that comes back to what Member Walker asked: how do you then know that what they are saying to you is actually culturally appropriate?

**Mr Matthews:** I acknowledge that concern. I appreciate that feedback from the community—that the community is looking for a connection and a relationship. Often, points of contact within our schools can reach out and connect as well. I want to acknowledge that. Obviously, we do not ask the Aboriginal and Torres Strait Islander staff to do extra things beyond their job. One of the significant bits of feedback we have from the staff network is the extra cultural load. You know about that. I am certainly not going to talk to you collectively about that, but that is one of the strong bits of feedback that we have had from our Aboriginal and Torres Strait Islander staff. They want to be able to do their job, do their job well and progress their career. In different ways, they have family and community connections and they use those, but they are also conscious about the extra responsibilities. We have sought to better understand that and recognise the way that we support those staff. I definitely understand the issue that you have raised.

**MR WALKER:** Thanks, David. When designing roles, what are the requirements for specifying identified or special measure roles?

**Ms Haire:** Member Walker, I think you are asking how we decide if something is a designated role. I will pass to Mr Ackland for that because that is his area of expertise. If we do not have the detail on that, we might need to take that one on notice. We do have a number of designated roles, as you are aware. I do not have the information with me. I am not sure whether Mr Ackland does.

**Mr Ackland:** I do not have the specific details, but I can say that, as part of the employment action plan that Mr Matthews referenced before, which is currently out for



consultation with the Elected Body, there are some prospective targets and initiatives that talk about how panels go through the process to work out whether or not that role does meet criteria for the identification of that role.

**MR WALKER:** Can you supply that on notice?

**Mr Ackland:** Yes.

**MR WALKER:** How many Aboriginal and Torres Strait Islander people are working on projects or programs that are not specifically for the Aboriginal and Torres Strait Islander community?

**Ms Haire:** Member Walker, I am not sure that we would have that information. Mr Matthews and Mr Ackland have given you the numbers of Aboriginal people—159 across the directorate. Certainly, I know that a number of those people are working on matters that are not related to the Aboriginal and Torres Strait Islander programs of work or cultural integrity. A number of them are. I am not sure whether—

**MR WALKER:** Is that something you can supply out of session?

**Ms Haire:** We will look into whether we can supply that or not. It might be down to the level of identifying individuals. Maybe we can come back to you on that, Member Walker.

**MR WALKER:** Thank you. On recruitment panels, has there been an Aboriginal and Torres Strait Islander person, where appropriate, independent of government, that has been part of the panel to help with assessments, or do you just do that internally?

**Mr Matthews:** I think that would vary, depending on the recruitment. I think you would be accurate in saying that, generally, recruitment panels are internal to government. They normally involve people from the relevant area and normally another person within government outside that area.

**MR WALKER:** Are Aboriginal and Torres Strait Islander people invited onto those panels on occasions?

**Mr Matthews:** I think they would be, where that is required. Again it goes back to that question as well of wanting that level of involvement and participation, but there is also that extra load that comes with the involvement in those different recruitments. Absolutely, it would occur specifically in jobs that are focused in those areas.

**MR WALKER:** Thank you. I have one more question under workforce. How is the directorate addressing engaging children with disabilities in the mainstream and ensuring that they have appropriate supports?

**Ms Haire:** Aboriginal children with disabilities?

**MR WALKER:** Yes.

**Ms Haire:** I will invite Ms Spence to talk about that. We are obviously very conscious

that we take a strengths-based approach to education, so we look at the strengths that children and young people bring and that their families bring. We also have a focus on equity and identifying where additional support is needed. That is both through the funding, the loadings for Aboriginal and Torres Strait Islander students, and we have funding for students with disabilities. We also have additional programs for children with disabilities both in our local schools and in our four specialist schools. I will ask Ms Spence to speak about how that relates specifically to Aboriginal and Torres Strait Islander children with disabilities.

**Ms Spence:** The ACT Education Directorate, of course, has eligibility criteria for all students, including Aboriginal and Torres Strait Islander students, that we use to assess eligibility for the different programs that Katy just talked about. Part of that process is around the identification, and working through specific assessments that are required so that we can get the information needed to support the strategies in the classroom.

Part of that assessment process often relies on our assessment team that we have available to conduct those assessments for our Aboriginal and Torres Strait Islander students, and other students, of course, that require assessments. It is also about working with the Community Service Directorate to support any assessments that are required for young people as part of our inclusion support program.

There are a number of disabilities that do not necessarily fall within a unique disability program with eligibility criteria. Of course, we do put supports in place in school for those young people that require additional supports. That is supported through our school-based psychology service as well as other allied health professionals that are required to support things—for example, in occupational therapy and speech therapy. They will go into our schools as part of the allied health service and provide those individual supports as required for those students in our schools.

**Ms Haire:** Member Walker, the vehicle through which we do this is called an individual learning plan. For every child who has a disability, we then develop an individual learning plan which is constructed in consultation with their family. Depending on time, if you would like, we do have a current ACT school principal in the room, along with a number of former ones, who could talk to you specifically about how, in an individual instance—not identifying anyone—that individual learning plan identifies the support that the child needs, including when that child is Aboriginal or Torres Strait Islander.

**MS BOOTH:** Can I ask a question? We have a few people that have kids with autism and non-verbal autism that have joined into mainstream through preschool and have been expelled from preschool on numerous occasions. How is that supporting the young child to attend these schools? There was no support network sitting there for that child; it was just the child with the school and no support system. This has happened on a few occasions with our Indigenous kids.

**Ms Haire:** I cannot comment on individual cases, Ms Booth, but we are very happy to talk about things like that separately, if you would like. We have a new suspensions approach. This is one of the amendments to the Education Act that happened last year and came into effect this year. It is very much focused on the fact that a suspension is not a punishment for a child. In the first instance there has to be consultation and engagement with the family. The purpose of a suspension is only ever for the safety or

the learning needs of that child. I am happy to talk to you or to Member Walker outside—

**MS BOOTH:** We have those children that are attending school on special needs programs, and they are getting expelled or suspended. That is the problem that the community are having right now.

**Ms Haire:** No child is ever expelled from an ACT public school. We have made some very significant changes to how suspension works this year, and we are very conscious that, in the old world—

**MS BOOTH:** This is happening this year. I am talking about stuff that is happening this year.

**Ms Haire:** Perhaps that is something we can talk with you about separately. If you have some concerns about some particular instances, we are really happy to talk about that. I will say that, as a policy, the purpose of a suspension is for the safety of the children or for their learning needs, not as a punishment.

**MS BOOTH:** The problem is not so much with the suspension; it is about what the support network is for the child with a disability and why that has not been addressed.

**Ms Haire:** Yes. I am very happy to take that up individually. As we have talked about, there is a whole structure, including the individual learning plan. We are always open to that—

**MS CHIVERS:** Could we have something for the *Hansard* record? That is a question that has actually come from community. They wanted us to ask about it, so it is very important that we actually have a response. Member Walker could discuss that with you, as the portfolio holder for education, but it is very important, as part of this process, that you do respond to our questions that have come from community.

**Ms Haire:** Apologies, Member Chivers. I was not wanting to avoid the question. I take it very seriously. Obviously, of course, we are all conscious that we do not want to identify individual families or people here. Ms Spence can talk through in more detail how the suspension process works and the individual learning plan process, which she has already discussed; or we can provide that to you in writing, for the *Hansard*.

**MS CHIVERS:** In that response, because the question is specifically around children with disability, rather than focusing on children in general, can you give the response specifically in relation to children with a disability?

**Ms Haire:** Absolutely; yes.

**MR WALKER:** Cultural competency: how does the ACT train and ensure the cultural competency of ACT employees? The cultural integrity framework is the vehicle that you use; you have mentioned that before.

**Ms Haire:** Yes. I can ask Ms Spence to talk to you about it. There are two bits that we might go to. Firstly, there is the professional learning, training and development for our

staff in schools around cultural integrity; and, in addition to that, and closely connected to that, there is the work we are doing on our commitment to cultural integrity for our whole organisation, and for all of our staff, which will also involve ongoing support. Member Walker, we will start with the professional support for staff in schools regarding cultural integrity.

**MR WALKER:** That would be great; thank you.

**Ms Spence:** The first one that I would like to share with you is that all of our new educators and new teaching staff in the Education Directorate undergo one-day training in cultural integrity as they enter the system. This is delivered by our team in the education support office, so that any new members that come into our service in the teaching area are supported in delivering that cultural integrity framework.

We also have a suite of other professional learning opportunities available in cultural integrity for other members of the Education Directorate—teaching staff that are already employed, as well as our learning support assistants and our education support office staff.

We have other opportunities for professional learning, and I know Katy shared with you the wonderful symposium that we had on Friday. Other professional learning opportunities are available to our staff. We have talked briefly before about Ngunnawal language training that is available to our staff. We have talked about expert people from community that engage in various professional learning opportunities, on country training opportunities. There is a variety of professional learning available across the directorate.

Our schools also play a significant role in supporting their staff and providing opportunities to build cultural competency in a school setting. They make those decisions around how they support that. They are provided with funds to support the upskilling of their staff in cultural integrity, so they will make decisions around how they do that in school settings.

We often engage with Ngunnawal elders to support events, which is a really important opportunity in our schools, so that they share the knowledge of country in the way that we celebrate various events in schools. We also engage with experts to support that. If you would like some more examples, I know that Ms Merryn O’Dea, a current principal in our system, has specific examples of how she does that in her school setting. Is that something—

**MR WALKER:** Thank you.

**MS CHIVERS:** Yes, it is important that you engage with Ngunnawal elders and members of the Ngunnawal community, but given that the current ACT Indigenous population is about 9½ thousand Aboriginal and Torres Strait Islander people, the majority of us are not actually from this area. How do you engage with other members of the Aboriginal and Torres Strait Islander community, given that the majority of the children who are at school are not actually Ngunnawal, and that culture is broader than just the culture of the country that we are located on?

**Ms Spence:** Yes, that is a really good question. If it is okay, I will hand over to Merryn O’Dea, a current principal; she probably has some really good examples of how we do this in our schools.

**Ms O’Dea:** I acknowledge the witness statement. I have a few examples of my work across different schools. Currently, I am principal at Lyneham Primary School, where we were very lucky to have an Aboriginal woman, a Wiradjuri woman, Kalara Gilbert, as part of our school community, working as an LSA in the school for a long time, with deep connection to community.

When she moved on to another role, we were able to maintain that relationship through Kalara’s engagement as a community member on our school board—still having that consultation and involvement in the school with all of our cultural integrity programs. As a Wiradjuri woman and an artist, she took our new school plan, our five-year vision, and created an artistic representation of that story, of where we are going as a school. Our next stage, once the weather allows us, is to paint on the concrete at the front entry of our school a mural telling that story, created with our students.

In a previous school, I had a staff member who was of the Dhungutti nation, and learning about her story and connection. Also, we supported her, as she learnt more of her own story, to bring it to our workplace. For me, over the past five or six years of engaging with the cultural competency training, the big change in our practice is engaging with our staff and our families about their stories, and trying to make sure that shapes what we are doing in the school.

With our current rollout of working towards version 9 of the Australian curriculum, there is not only the cross-curriculum perspective but also specific content around Aboriginal and Torres Strait Islander histories and cultures. We are being very deliberate in making sure that the scope of what kids learn, from kindy all the way up, is teaching cultural diversity and looking at different parts of Australia—not always looking at stereotypes, but making sure we have strong contemporary teaching and, where possible, we are engaging with members of our school community, Ngunnawal community and the wider community to make sure we are bringing authentic learning for our students.

**MR WALKER:** Thank you, Merryn. Katy, how many of your mainstream positions require cultural competency?

**Ms Haire:** Cultural integrity and a commitment to cultural integrity are part of what we require of all of our teachers. As a result we have that program of professional learning and development that Ms Spence outlined for you. She has just given you a snippet of it. There is also the work that happens in the individual schools. But that is a requirement. As I know you are aware, Member Walker—and it is a great chance for us to share with the rest of your colleagues—cultural integrity is embedded in our strategic plan and in our action plan as a fundamental element of what everybody in the directorate does.

**MR WALKER:** Do you evaluate the performance of those positions based on understanding and achievement of outcomes for the Aboriginal and Torres Strait Islander community?

**Ms Haire:** All of our positions have a requirement for cultural integrity. In performance conversations regarding people's jobs, that is part of what is discussed. I know that we have talked previously with you about how we build that into how we work with principals. Merryn might be able to give an example of this as well. When our principals are working with their supervisor, the commitment to cultural integrity is very much part of how their performance is assessed and supported. I know that is something that we have talked about over the years.

**Ms O'Dea:** We rely, in our school, on the framework for cultural integrity in making sure that our school plans are rich and strong. Certainly, having just been through the school review process last year and creating a new plan using the self-assessment tool with our leadership team in the school, the areas of the cultural integrity plan allowed us to ensure that we embedded in all of our goals cultural integrity learning for students and the creation of that environment for individuals and the broader community in the school.

**MR WALKER:** Madam Chair, priority reform 4 is about Indigenous data and sovereignty. I would like to ask for that question to be taken on notice because I would like to get to the community questions, given that we have only 45 minutes.

**Ms Haire:** Sure.

**THE CHAIR:** We have a lot of community questions coming in.

**MR WALKER:** We are getting a lot of messages right now from community, including leaders, telling us that the evidence being provided does not reflect what is happening on the ground. We are concerned that the directorate is not listening to the parents and community organisations on their experiences of the system, or understanding when it is not working. How can this be fixed?

I think that one of the fixes is the AECG. That is probably the one that is looking straight in your face, because some former members of that group and/or community are saying that they are not having input into their local schools. Maybe that is where we can look to focus. Are there any other ideas from you about how we can manage that process?

The conversations that we have been having at our meetings is around the connection between liaison officers and the community, and not losing that focus, because of the relationship between the Aboriginal worker in Education and families, and that connection with their children. We can look at strengthening that process as well. We have talked for long enough about that—that idea regarding how we want to improve that. Other than those ideas, is there anything else that we can talk about?

**THE CHAIR:** We have a fair few community questions, too.

**MR WALKER:** As soon as they answer this one, I will start on the community questions.

**Ms Haire:** I want to start by saying, Member Walker, that we take this incredibly seriously, when we hear that from you, or when we heard about it from the chair, when



she was our representative. I believe you know that we always take those concerns that we hear from community very seriously. A fundamental part of our work, our commitment and the moral purpose that brings people to work in Education is that we believe passionately in ensuring better outcomes for Aboriginal and Torres Strait Islander children and working with their families. That is fundamental to what we do, and I take the points that you are raising very seriously. The way the structures work is that our goal is to make every single one of our schools a culturally safe, culturally competent and culturally inclusive place and that—

**THE CHAIR:** When you are talking about community, the last thing they want to hear about is what is happening up there. What they are saying now is that they are concerned that the directorate is not listening to parents and community. You are always coming from a service delivery aspect. We need to make sure that this is grassroots; this is community. These parents are putting their kids' education in your hands. They want to know about the experience of the system in understanding when it is not working. How can you fix it? All of your team has explained about the system, but the question seems to be going back up there again. This is community, and these questions are from leaders, so we need to know about this. Does the question need to be asked again, or are you—

**Ms Haire:** No. Apologies, Ms Keed, if I was taking too long to get to the point. The starting point for any community member or family member with concerns about their child's school is with the leadership of that school. Our intention is that every family has the opportunity, and that our schools have the cultural competency and cultural integrity to hear from families.

**THE CHAIR:** There is no Aboriginal liaison officer there anymore.

**Ms Haire:** We also have a number of other processes, but in the first instance it is about going to the schools. That is what we would hope would happen. Also, in the directorate, where a family is concerned that they have not been heard in the school, we have processes for a family to then come through to the directorate, through our complaints process. As you know, there are also other avenues that we make sure that everybody is well aware of, including through to the Human Rights Commission. But that is the last thing that we want to happen. We want to be able to address the concerns of families as close as possible to the school, and to the family and the community.

**THE CHAIR:** Namadgi is an example of not responding to parents on this issue. That is one that was identified, and the LSAs are supporting teachers. Who is supporting the kids? The community is starting to see an issue with it now, and they are starting to speak up. It will be interesting.

**MS McGRADY:** How is the cultural competency acquired? How much of the training is online? They are the big questions to be asked as well. As opposed to doing cultural awareness online, how productive would it be to do cultural awareness from community, from people in community that can—

**Ms Haire:** Deputy Chair, with the training, support and professional learning that Ms Spence has gone through, we do not do that online. We absolutely agree with you that it needs to be done in person; we could not agree more.



**MS McGRADY:** Thank you.

**Ms Spence:** One of the other aspects that might answer that question is around the Engoori training that we do across our schools, to support the cultural competency. We have our cultural integrity training, but we also have Engoori training, which is about the—

**THE CHAIR:** To support the teachers?

**Ms Spence:** And the school leaders; actually, we do it in ESO as well. It is one of the mechanisms; again, that is a face-to-face learning opportunity to build that cultural competency that we are talking about.

**MS McGRADY:** Does that flow on to the Aboriginal education workers to continue delivering the same message? Is the message continually from an Aboriginal or Torres Strait Islander voice?

**Ms Spence:** In terms of the Engoori training and the cultural integrity training?

**MS McGRADY:** Does that responsibility fall onto the non-Indigenous teachers to teach cultural elements of what they have learned in Engoori, or will that voice still be the Aboriginal voice that carries through the education system for the cultural integrity of the message?

**Ms Spence:** Our Indigenous education officers that are located in some of our schools support our schools in delivering the message, and in supporting that, because they all undergo the same layers of training. Our education support office Aboriginal and Torres Strait Islander team can also support our schools in that work. Probably, because of the scale—90 schools in the system and many teachers—all of our teachers have a responsibility to support the cultural integrity in our system. It is a shared responsibility.

Obviously, there will be different levels of expertise in how to do that, but the role of our Indigenous education officers and our Aboriginal and Torres Strait Islander team more broadly is to help in those situations where people may require extra support as needed.

**MR WALKER:** Can you let us know how many Aboriginal liaison officers we have, and whether there are any vacancies.

**Ms Craddy:** Indigenous education officers; they are not liaison officers.

**MR WALKER:** IEOs, sorry. I can never get the acronym right.

**Ms Spence:** We are funded for 16 Indigenous education officers. Currently, we have 12. The number does fluctuate, however, as some of the people in those positions—which is wonderful, because it is an entry-level position as an Indigenous education officer—get other career opportunities. We really support that. A lot of them do go on, and some of them are represented in our allied health team, as part of our youth worker initiative. That is the current status; but, as I said, it does fluctuate. There is variability

in terms of those positions because of varying issues, one of which is opportunities beyond that.

**Ms Craddy:** We also have the four cultural integrity positions, but at this point in time, because of staff movement, we have two.

**THE CHAIR:** Is that to just support the staff, not the students?

**Ms Craddy:** Yes. There is the connection where they are working with the school to build the relationships with families. It is not that it is not part of their role. The main function, though, is that, if the work is done properly at the school and there is no Indigenous education officer, the school is still culturally responsive and culturally safe. With 92 schools—a number like that—we do not have the number of staff.

If I go back to your point about the Engoori training, that has come from Mithaka man Scott Gorringe. It has been around for a long time. It is about changing workplace culture, organisation culture. It is fundamental to cultural change. Nearly all our CICs, cultural integrity coordinators, IEOs and office based staff, except for the new ones, have done the facilitator training. We have been able to expand that across the board. Fundamentally, it is probably a forerunner to cultural competency, because it is about challenging assumptions and looking at unconscious bias—all those things that people need to strip away to be able to see all cultures and the richness of them. If we are talking about families having more voice at school level, I take your point about a representative body. I hope we can get that happening soon.

**MS McGRADY:** The best educators you have are the parents of those children.

**Ms Craddy:** Yes. As Ma and Grandma, I understand all that completely. There are other things there—

**THE CHAIR:** But there still seems to be a gap, Beth. We know there still seems to be a gap, though.

**Ms Craddy:** Yes.

**THE CHAIR:** Listen to the community. We listen and the community is talking about what you are doing, but there is still that gap, and you just identified it.

**Ms Craddy:** Yes. Hopefully we can do more work in that space. The other thing, in a more formal way, is school board training for Aboriginal and Torres Strait Islander parents and being able to be involved actively in the P&Cs. That gives you two governance structures to be involved with at the school level.

**THE CHAIR:** Why do they have to be involved with the P&C to have their voices heard?

**Ms Craddy:** Sorry—

**THE CHAIR:** Why do they have to be trained, put on boards and placed on P&Cs? Remember that, back then, that was supposed to be a voice to also—

**MR WALKER:** ASSPA.

**Ms Craddy:** That was decades ago.

**THE CHAIR:** Why do we have to go on boards or go on the P&C—I know it is a good thing—for our voices to be heard? This is another long process that is going to take place as well, when the community is talking now and is asking.

**Ms Craddy:** ASSPA committees were federally funded. P&Cs and school boards are a local issue.

**THE CHAIR:** There was a commitment to the agreement too—just as a reminder.

**MR WALKER:** Thank you, Beth. I appreciate that. We have a lot of questions. Some of these things might come up later as well, Katy, but I would like to go on to early childhood. There are currently five Koori Preschools operating in the ACT. Some of the questions from the community are: are all spaces available being filled; if not, why not? I will go with those questions first.

**Ms Haire:** Thank you, Member Walker. Ms Efthymiades is coming to join me. I really appreciate that, in the chair's opening remarks, she recognised the importance of Koori Preschool and the fact that we are expanding that. We have it in five sites and we are expanding with additional sessions at three of those sites next year. It is one of the things that the ACT community can feel really proud of. This is something that has been around for 30 years. Early childhood is the flavour of the month everywhere at the moment, as it should be, but, here in the ACT, we have had this extraordinary service for Aboriginal and Torres Strait Islander preschool children for 30 years. It came from the community and I think it is a really great thing. We are really proud to be continuing that and to be expanding it next year. I will ask Ms Efthymiades to answer your question on it.

**Ms Efthymiades:** Thanks. I acknowledge the witness statement, which I have read several times. Member Walker, Koori Preschool, as Ms Haire has just indicated, is in an expansion phase. That was a commitment under the government's three-year-old preschool initiative, to increase extra places for Koori Preschools which are eligible for three- and four-year-olds. Regarding the current number in those five sessions, the formula is a nationally required formula of 22 children per session with the two adults that are there, and the uptake is in the 90s. It moves around a little bit, but it has been in the 90s for the last couple of years out of 110 available places. With the three extra sessions, that will allow up to 176 places.

We are hopeful we will get quite an uplift because three-year-old preschool is becoming a big conversation point and was part of a very big budget announcement that we are really excited about. Through that, we will be able to uplift the specific Koori Preschool expansion, as well as the universal access expansion for all three-year-olds. Those are the numbers. Were there any other numbers you were after?

**MR WALKER:** No; that is it. You mentioned the 100 places, and, as you said, not all of those have been filled. What consideration has been given to additional Koori

Preschools? What are the factors to be considered for site selection?

**Ms Efthymiades:** We have just gone through the process. Minister Berry announced the extra sessions at the three existing sites: one north, one central and one south. Obviously, geographical spread is part of it. The other thing is: where are the enrolments? The three sessions that have been expanded have higher enrolment interest and potential uptake. That is the main thing. We heard from community that they were keen to maintain and strengthen the current sites rather than have a new site, but, in future considerations, anything could be possible if there is particular interest in a particular area. Our ears are open in that space for whatever is needed.

**MR WALKER:** Thank you for that. There is the conversation that we have been having about the possibility in the future, given Canberra's growth, not only for the general community but also for the Aboriginal and Torres Strait Islander community—the influx of families and young people growing up and having families. How will you manage the continuing learning for children attending Koori Preschool?

**Ms Efthymiades:** The continuity between the different phases? Sorry—I omitted one of the considerations for which sites we look to expand. The schools at those sites that were associated with that had the capacity to accommodate more children in kindy and beyond. The rule of thumb is that the kids can stay. The community was very interested in their children being able to stay with children they had been to preschool with and to continue. That gives us a nice transition flow. There are a few initiatives. There is some support.

There are two positions that we want money for, but they are in community services that connect Koori Preschool with the Child and Family Centres and the Child Development Service—making those connections for people so that they have more awareness. It is increasing for three-year-olds, which is good, and then three-year-old to four-year-old transition is in the same setting, so that is helpful, and then there is the opportunity to go to kindergarten. That is the other continuity point. Preschool Pathways support people that work with particular preschools and with families around any of those key transition points, if they are not as smooth as they need to be.

**MR WALKER:** Thank you. Are the health checks being completed at the preschool level as—

**Ms Efthymiades:** The five-year-old kindy health checks?

**MR WALKER:** Health checks are only at the five—

**Ms Efthymiades:** They are for five-year-olds at the moment. We are definitely having conversations about whether there can be something for the younger ones, particularly since we are uplifting three-year-old preschool, but they are early conversations at the moment.

**MR WALKER:** There is the issue that Member Booth brought up in relation to young people with disabilities. If they are under five, we would be interested in talking to you and ACT Health about providing health checks for young people who register on the spectrum for autism and/or any other kind of issue that might be contributing to slow

learning—if that is part of an extension of the health checks that could be brought into—

**Ms Efthymiades:** Yes. We are very happy to do that. We work together on an early years working group with the Community Services Directorate and the Health Directorate. We would be very happy to do that. We have already had some early conversations to connect whoever is appropriate from the Elected Body to get those perspectives and feed them into that thinking.

**Ms Haire:** Member Walker, that is an element of the children and young people action plan that Health is responsible for, but we are involved in it.

**Ms Efthymiades:** We are leaning in.

**Ms Simmons:** I acknowledge the witness statement. To add to that, there are the checks that happen in kindergarten. Winnunga also provide kindy checks and psychology services. I think that is what Ms Efthymiades was saying. There is an opportunity if we can bring that to three- and four-year-old preschool, but that is already happening in kindy.

**MR WALKER:** The health checks are obviously happening—

**Ms Efthymiades:** For five-year-olds in kindy.

**MR WALKER:** Yes. One of the questions is: what issues or conditions are you finding?

**Ms Efthymiades:** I do not have any information on that with me. I am not sure who holds it, but—

**Ms Haire:** Health has that information, and we are in the process of developing a partnership with them to share that information. We can take that question on notice and work with our colleagues in Health on it.

**MR WALKER:** Beautiful. Thank you. Student attainment. Given that we have not had an Elected Body hearing for a few years, there are a couple of questions to bring things up to date. How many Aboriginal and Torres Strait Islander students completed year 12 in 2022? If there is a comparison to 2021 and 2022, that would be good. Do you know how many have achieved entry into universities or the VET system?

**Ms Haire:** This flow of questions is extremely convenient because they are also questions for Ms Efthymiades—on year 12 completion and also the post school destinations for Aboriginal and Torres Strait Islander children and young people.

**Ms Efthymiades:** I am checking whether I have the correct data with me. I may not be able to give it to you now, in which case I will not waste your time, but we can absolutely answer all those specifics and give them to you in writing so that you have them.

**MR WALKER:** That would be good. In addition to that, do you know why the census data was changed so we are not able to see students by year level anymore?

**Ms Efthymiades:** I was not aware of that. Do you mean Aboriginal and Torres Strait Islander students?

**MR WALKER:** Yes.

**Ms Efthymiades:** It may have been around numbers, but I do not know why. It should not be, so we can rectify that. The ballpark numbers for each year level across all government and non-government sectors are between 170 to 200 children and young people per year level, and roughly 75 per cent are with us in public education. Let me go back and we can make that available to you. We will also look at future publications and retrospectively amend that.

**MR WALKER:** Thank you. Moving on to NAPLAN, how is the directorate going to close the gap in education attainment for Aboriginal and Torres Strait Islander students? That is the first question. That is the big question, I guess.

**Ms Haire:** You should have started with that at 9.30, Member Walker!

**MR WALKER:** Yes. In the interest of time, perhaps you can take that on notice.

**Ms Efthymiades:** Sure. I can talk about the gap and others could talk about how we are addressing that. I lead the boring data stuff, not the exciting delivery stuff. You will all be very well aware that, in the latest Closing the Gap agreement, NAPLAN kind of became invisible, but, importantly, it is still reported in the Productivity Commission's report on government services and roles, and it is also on the ACARA website in a quite powerful way. We continue to monitor that closely.

Going to a couple of headline things, for us, because we are a city territory, effectively, we use major cities as our base comparison. I spent 15 years in the Northern Territory. It is not fair to compare us with the diversity that is in the Northern Territory and other jurisdictions, so we use major cities only. In looking at major cities only—and this is news to me by way; I had not realised the second bit—Darwin is not included. That is fine. Northern Territory has no data for major cities, but neither does Tasmania. Hobart is no longer a major city, which means there are six jurisdictions. I do not know whether they wanted that to happen. I am not sure if they asked for that to happen. There would be criteria on which that is based, but it did surprise me when I found it. So there are six jurisdictions and an Australian average for all major cities.

I reiterate that, within that, our cohort size is small, and so all the data has confidence intervals, which essentially makes comparisons really tricky. Because we only have between 170 and 200 kids in a cohort that might do the tests, the confidence intervals are between seven and 10 points, plus or minus, so it makes things very rubbery. That is true, regardless of whether we are looking at whether we think a gap has narrowed or widened. Even though we are strength based and much prefer to use strength based language, closing the gap is a concept and it is still there nationally, so we look at the gap between the performance of our Aboriginal and Torres Strait Islander students and non-Indigenous students.

We are coming out of a pandemic, which has made some of this a bit wobbly, including



there being no NAPLAN for 2020. Just to bring the Elected Body up to speed, when we look at 2021 to 2022 comparisons, they are looking pretty favourable. The ones we look at usually are reading, writing and numeracy. They are the big three. Across all year levels, we have 12. Three tests are mains and there are four year levels: 3, 5, 7 and 9. There are two ways we can look at it. There is the percentage of students at or above the national minimum standard. That is only available to us until 2022. We have a whole new national regime starting this year. There is that and there is the national mean score.

If I look at that—I am going to refer to my notes so I do not make a mistake—of those 12, for the percentage at or above the national minimum standard, we have actually narrowed the gap on eight of the 12. Three of them are flat and one has slightly widened. The one that has widened is year 9 numeracy, and it is by one per cent, so it is not huge if I take into account what I said before. We are not trumpeting any of that. We are a little bit encouraged, but we are not trumpeting it because the confidence in levels means that we have variability year on year with the kids in our cohort. So we are not getting too excited, but we are encouraged.

Sorry—I said “national” but it is not. Then, if we look at the mean scale score on the 12, on 10 of them the gap narrowed between 2021 and 2022, and on two it has slightly widened, and that is on years 3 and 9 numeracy. You can probably see a pattern in that, and that pattern is not specific to Aboriginal and Torres Strait Islanders. We are doing some focused work on numeracy because numeracy is the area of greatest need, including for our Aboriginal and Torres Strait Islander kids. Overall, in the sense of narrowing the gap, there are some encouraging signs, but I am being very moderate about that because there is still a way to go.

**MR WALKER:** Thank you, Deb. That is very comprehensive, and I know that you can talk all day long on—

**Ms Efthymiades:** Yes. You are not letting me, though, are you!

**MR WALKER:** The question from a community perspective—perhaps you can talk about this, maybe not now but as a question taken on notice—is: how are you going to increase the proportion of Aboriginal students in the top two bands of NAPLAN in reading and numeracy for years 3, 5, 7 and 9 by an average of six per cent by 2028? And how are you going to decrease the proportion of Aboriginal and Torres Strait Islander students in the bottom two bands of NAPLAN in reading and numeracy in years 3, 5, 7, 9 by an average of six per cent by 2028?

**Ms Efthymiades:** Sure. We will get the what-we-are-doing-about-it stuff to you so that it is rich and not short, but I just want to clarify one thing for all the members. Nationally, the standards are changing. This year, 2023, is the first year of new standards, so we will not have those bands to report against. That stopped in 2022, but there will be a set of four proficiency standards. This year will be our baseline and then we will measure ourselves going forward. We have to do some thinking about how we recut some of those expectations with the new national standards—high and low performance.

**MR WALKER:** It is for the understanding of the Elected Body in reading this graph, because, by the time you report again, we may not be sitting here. It is to get that information and being able to understand it.



**Ms Efthymiades:** Sure. You are talking about the new standard stuff?

**MR WALKER:** When the new standards are implemented—

**Ms Efthymiades:** Yes. They will be reported really soon. The end of this month is the time for reporting.

**MR WALKER:** Okay. Scrap that, then.

**Ms Efthymiades:** We will need to do some translation into that new world. We cannot compare historically, but we can tell you the story up to 2022, and then 2023 will be a new story.

**MR WALKER:** Nice. Some of those questions were targeted at the 2022 results. The next question on NAPLAN is around the concern about the increasing number of children absent from NAPLAN testing days. I can maybe guess what the answer will be. It is concerning that some of the feedback from community is that students have been asked to stay home on those days so that they get better results in relation to schools. Is it true? We just want to make sure that—

**Ms Efthymiades:** Yes; that is not okay.

**MR WALKER:** That is not okay. Obviously, if schools are encouraging that, then somebody should get slapped over the knuckles or something.

**Ms Efthymiades:** We can certainly run that message to ground.

**MR WALKER:** We cannot bring the cane back, but—

**Ms Efthymiades:** You wish!

**MR WALKER:** For teachers.

**MS CHIVERS:** An example would that one of my children never sat the NAPLAN test because, every time the NAPLAN test was on, I was asked whether I could keep him at home. He never ever had a NAPLAN result for his whole education.

**Ms Efthymiades:** I am happy to get any specifics offline so that we can troubleshoot.

**MS CHIVERS:** He is older now and outside the school system.

**Ms Efthymiades:** I know, but, if there are any more recent examples, I am happy to get those and run them to ground.

**MS CHIVERS:** We regularly hear from members of the community that they have had a similar experience—that they are regularly asked to please keep their child at home.

**MR WALKER:** Thank you.

**Ms Efthymiades:** The reality for 2022 is that the data was caveated for participation and attendance in general because there were some disruptions, because it was early in the year with COVID.

**MR WALKER:** Thank you. I will move on to Aboriginal community controlled organisation relationships. In particular, Gugan Gulwan provides an essential service to some of our most vulnerable young children and their families. What processes are in place in education to ensure their work is supported and that the needs of the participants are met by the directorate? How is that relationship with Gugan supported?

**Ms Haire:** I will ask Ms Spence to come back. I think we already covered this with you earlier today, but I am happy to provide any more detail that you need on that partnership or relationship with Gugan Gulwan.

**MR WALKER:** We talked about how many and who, but we kind of stopped you short on getting some of that detail, so this question is just asking for a little bit more detail. In particular, how is this resourced? What are the internal accountability processes to monitor progress? I will leave it there, although there are two more points.

**Ms Haire:** The start of the question was to talk about the processes—

**MR WALKER:** What processes are in place in education to ensure their work is supported and the needs of the participants are met by the directorate?

**Ms Haire:** How do we work in partnership with them when they are supporting us with the children?

**MR WALKER:** Yes.

**Ms Spence:** Thank you for that question. I am not sure I am going to be able to answer all of it. The way we engage through Murrumbidgee school might be different to the way we engage—

**MR WALKER:** Where?

**Ms Spence:** Murrumbidgee school. That engagement is a direct engagement with our flexible education offering with the Murrumbidgee school leadership team. They engage directly with Gugan Gulwan to support students in that particular setting. The relationship and the way they work together is constantly looking at how they meet the needs of the individuals. The ways in which they measure that is very different based on the individual context of a student in that particular setting. A consistent way to measure and account for how that works effectively is quite different in that particular setting.

In terms of the way we work with Gugan Gulwan, in terms of our targeted support, that is delivered through our targeted support team. Again, it is about the individual circumstances and the way we support them, so it varies in terms of measuring and accountability. We treat every individual based on the needs that they are presenting at a point in time. That is probably all I have. I do not know whether Beth can talk more about the formalised part of that relationship and measuring that partnership. I think

that is mainly what you are asking about. We might need to take that one on notice to get more information outside of those contexts.

**Ms Craddy:** All I can add at this point is that, if there is a need for extra support for students, that request is usually done at a school level, not at the Education Support Office level. It would also depend on the relationship that the schools have developed. We need to do a little bit more research around this and a bit more investigation to see what can happen. The other thing is the geographical location of Gugan—in the deep south, and there are those of us who live on the north side—and also its limited resources. Regarding the supports that might be in place, that is probably something we need to investigate further.

**MR WALKER:** Gugan offers some essential supports for young parents, making sure that the children are getting to school. On a number of occasions, we have talked about looking at promotional material around assisting our organisations, not only Gugan but also any other organisation that may be established on the north side. Gugan is located where it is at the moment. It is moving to new premises sometime soon. One of the questions is: how is the increasing young population of the community being factored into forward planning? It would be interesting to think about: if we are expanding with a new service or if Gugan has any plans about expanding the service to the north side, how are schools and/or the Education Directorate going to assist? We keep talking about continuation of education. We want to urge our young people to go to school and urge our carers to make sure that our children are going to school at that vulnerable time in their life so that we fix our goals on what is happening and can change some of the statistics that we have for our young people in the future.

**Ms Haire:** Member Walker, in relation to growth and enrolment, one of the really good things about the way our system works is that, firstly, through Deb's team, we have a team of people who are constantly working with the Australian National University to look at population projections and enrolment projections to assist us with planning for schools and services. Our funding model is based on a per student basis. When we have additional students, we are funded for additional students, which includes, of course, the wraparound services that go around that. We are constantly projecting forward, but it is also the case that our funding model means that, as enrolment grows, our per student payment increases as well to provide those services.

**MR WALKER:** Is there a role for the Indigenous unit to dealing with ACOs in relation to some of those educational outcomes?

**Ms Craddy:** We would be supporting the allied health and student engagement teams to build their capability to do so. One of the things we are exploring—it is not set in concrete—is how we can increase the number of Indigenous youth workers and social workers that would sit inside that allied health unit. They would be connected to us as far as staff network processes and supports are concerned so that they can assist in that space. We are very early in the stage of investigating that. That is it at this stage.

**Ms Spence:** I could highlight a service. Through our Flexible Education team, the Waruga Yardhura service is a case management service for Aboriginal and Torres Strait Islander students. They actually have Aboriginal and Torres Strait Islander community representatives in their group and they have a series of identified positions as part of

that service. They are a service that we provide when our young people may be disengaged from education. There is a referral process to that particular service to support young people who are finding engagement in school difficult. They still remain at their school, but this service will step in and help those young people reconnect and attend, which we know is the most important thing to do.

That particular service works with the likes of Gugan Gulwan as well because it is linked to our Targeted Support team. We are actually at our maximum capacity with a caseload of 30. It is a relatively new service, but we are seeing some really great success in re-engaging people back to college education.

**Ms Haire:** Member Walker, you were instrumental in the establishment of that service and we are really grateful to you. During the pandemic, we had ongoing discussions about your concerns about Aboriginal and Torres Strait Islander children and young people disengaging from school, and, as a direct result of that, this service was established. We are very grateful for the guidance that you have given us. We are very proud that we now have this specific service for those young people.

**Ms Craddy:** What was that service called?

**Ms Spence:** Waruga Yardhura, which is part of our Flexible Education offering.

**THE CHAIR:** It ties up with Muliyan.

**MR WALKER:** In the last report, we recommended that you guys work closely with Gugan, so hopefully, by the time this report comes out, we will see some kind of formal partnership with Gugan. Regarding the role that they play with our young people, there is a whole history of Gugan holding a school-ready program so that, for people who are struggling—perhaps they are in and out of detention or incarceration—there are programs that prepare them to go back to school. Hopefully, that could be achieved in the near future. The last couple of questions I have are around Bimberi. There is the Murrumbidgee education centre, but I do not know what that—

**Ms Haire:** Murrumbidgee is the name of the school at Bimberi. Bimberi is the youth justice service.

**MR WALKER:** Are young people in the education centre, regardless of their classification, provided access to education? And how is this achieved?

**Ms Spence:** Absolutely, young people at the Bimberi Youth Justice Centre have access to Murrumbidgee school. I have talked about some of that. The day-to-day operations of the Murrumbidgee school require a really strong collaboration with the Bimberi Youth Justice Centre. They work very closely together. Of course, young people that come to Bimberi are supported through a different directorate, but that relationship needs to be very strong so that we can work with Bimberi to assess student needs on entering that space and also support any kinds of adjustments required to support young people in that setting.

The partnership we have with Bimberi is really important. We also share frameworks like the positive behaviours for learning approaches so that there is consistency in the

way that Bimberi operates and the way that Murrumbidgee school operates. There is a dedicated transition officer as part of that particular offering at Murrumbidgee school. They work with young people to identify goals and aspirations, and they also support and facilitate the transition back to mainstream education settings, as required, including opportunities for employment and work experience, to help young people as they exit out of the youth justice system and go back to either education or work pathways.

Sometimes that transition is about supporting them back to Muliyan, a Flexible Education offering, so that they can get the necessary wraparound supports as part of that program. I have talked briefly about how Gugan Gulwan supports the wraparound services required of our Aboriginal and Torres Strait Islander people by meeting weekly, but there are also other educational offerings that we provide for those young people at Murrumbidgee school. They include things like vocational education training courses in the white card, asbestos, and silica awareness—different things like that—based on the student’s goals and aspirations.

**MR WALKER:** Thank you. You have answered the second part of the question around transition back to education and what supports them. Katy, those are all the questions from me. I do not know whether any members have other questions before you go. It is 12.30 and we are just about to go to lunch.

**MS McGRADY:** I will talk fast. We have a section around racism. Correct me if we spoke about racism against our kids at school. If there is a long answer to this, then I am happy to kindly go to Member Walker.

**Ms Haire:** Deputy Chair, you are right. We talked about racism in staffing. Mr Matthews separated out that there are the two issues and we did not come back to the second one, so apologies for that. It probably is quite a long answer. We have significant policies and procedures. It is probably better if we set that out for you in a question on notice, if you are comfortable with that, Member Walker.

**MR WALKER:** Sorry—what was that suggestion? What do they want me to do?

**Ms Haire:** Just say yes!

**MR WALKER:** I just want to make a correction. Gugan is located in the south but obviously offers services to both the north and the south. My reference to them was about whether they would expand and have an office in the north to make it easier for the service. I would assume that, but, at the moment, they are operating from the south. That is just a correction for the *Hansard*. My apologies.

**MS McGRADY:** My question was around racism against our kids in schools. I am happy to put that on notice so that you, as a member, can discuss it with the directorate.

**THE CHAIR:** How many kids at Bimberi have certificates or have graduated?

**Ms Spence:** I do not think I have that data specifically around individuals at Bimberi. It could be for a short period of time and then they go back to mainstream school settings. Breaking that data down is not something that I think we would have available.

**MR WALKER:** Thank you, Katy and staff, for your time. We will see you again soon.

**Hearing suspended from 12.33 pm to 1.05 pm.**

Appearances:

Justice and Community Safety Directorate

Glenn, Mr Richard, Director-General

McNeill, Ms Jennifer, Deputy Director-General, Justice

Johnson, Mr Ray, Deputy Director-General, Community Safety

Krajina, Ms Danielle, Chief Operating Officer

Marsh, Ms Caroline, Co-Chair, Executive Branch Manager, First Nations Justice

Nuttall, Ms Amanda, Principal Registrar and Chief Executive Officer, ACT Courts and Tribunals

Aloisi, Mr Bruno, Acting Commissioner, ACT Corrective Services

**THE CHAIR:** My name is Tanya Keed, and I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all members of the Elected Body, and I would now like to introduce them. Paula McGrady, the deputy chair, has the portfolios of Transport Canberra and City Services and ACT Health, and she is our representative on the Coalition of Peaks. Maurice Walker is the member with responsibility for the Education and Community Services portfolios. Jo Chivers is the member with responsibility for the Justice and Community Services portfolio. Deanne Booth is the member with responsibility for Major Projects Canberra.

JACS has a broad portfolio and has many touchpoints for our community. We would like to acknowledge the work of JACS and support for the establishment of the role of a children's commissioner. In response to our "Our Booris Our Way" review, we look forward to the positive impact of this role and their interactions with the community.

I would also like to celebrate the appointment of Louise Taylor as a judge of the ACT Supreme Court. We are however deeply concerned that the ACT is a long way from being able to reach the targets in the ACT or the national agreement. This requires deep conversation on the course of action the directorate has taken and the way we accelerate strategies and programs to take effect on these targets.

As we start our 2023 hearings, I would like to pause and reflect that, in our 2020 hearings, we had extensive discussion on the lack of timely systemic responses of the ACT government to racist drawings within the AMC. This was despite escalation of the issues within the government through the Human Rights Commission and concerted advocacy by local Aboriginal organisations. In two years, there has been no training response on the ability to understand, identify or eliminate racism in the AMC.

Three years later, that family and our community were dealt another blow, tragically. I would like to reflect and remember those from our community who have died in custody in circumstances that could and should have been avoided.

Could all witnesses who give evidence during the hearings please acknowledge the witness statement for the record? I would like to invite Director-General Richard Glenn to make an opening statement, before commencing questions. Can you please limit your introductory comments to two minutes?

**Mr Glenn:** Thank you, Chair. I acknowledge the witness statement. I begin by acknowledging that we meet today on the lands of the Ngunnawal people and pay my



respects to their elders, past, present and emerging. I, of course, acknowledge all other Aboriginal and Torres Strait Islander people who are joining us today. I would also like to join you, Chair, in acknowledging the tragic passing last week and express the condolences of all JACS to Mr Dennis's family.

**THE CHAIR:** Thanks, Richard.

**Mr Glenn:** By way of opening statement, I really just want to point out, as you have already, the breadth of JACS's responsibility, which is why we have this wonderful array of people over here who will jump up to assist in answering questions. We will do a bit of juggling to make sure we have the right person at the table at any time for any questions. Beyond that, I will stop.

**THE CHAIR:** Thanks, Richard. I will now pass to Member Chivers to start the questions.

**MS CHIVERS:** The first lot of questioning will actually be around the priority reform areas within the national agreement. We will commence with priority reform 1, partnership and shared decision-making.

In my first question there are actually four parts. I will read out the main question and then just what the other four parts are as well. But please feel free to ask me at any time to repeat them.

How is the directorate working with the community to share decision-making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community? Beneath that, the four other questions are: How many new formal partnerships has your directorate established since 2020; how are they resourced; what have they achieved; and is the information publicly available?

**Mr Glenn:** Thank you very much for the question. I will perhaps begin by talking about the nature of the partnerships that we have in place and the different manifestations that they take. Probably at its highest level, we have the Justice Advisory Group and Justice Caucus, which are our primary mechanisms around justice policy initiatives and justice programs to be able to engage with community and have an open dialogue about the nature of the services that we provide and how we can better tailor them to meet the needs of the community.

The next wave, after that, which is in its early days, is the commissioning process that we have committed to for all our justice programs in the future. This will be a process to engage with community to actually design from the ground up the range of justice programs that we deliver, particularly in the justice reinvestment space.

We have formal agreements with a range of community partners—for example, the tripartite agreement we have between JACS, Canberra Health Services and Winnunga for the delivery of—

**THE CHAIR:** Richard, can I just ask: how are they consistent with priority reform 1—chosen by community, shared decision-making and resourced? Do I need to ask the question again?

**Mr Glenn:** No; I suppose I will get to those. I will give you the categories, and I think they sit in different seats.

**THE CHAIR:** Yes. Just answer the question, please.

**Mr Glenn:** Certainly. There is that formal agreement. We have a longstanding partnership with the Aboriginal Legal Services under the auspices of the National Legal Assistance Agreement and a range of delivery partnerships for different programs and policies that we have in place. Some of those have existed since before 2020 and some of them have come into existence since.

The extent to which they share decision-making varies depending on the nature of the program and the body. The Justice Caucus and Justice Advisory Group have been designed over time to be a very collaborative exercise in which decision-making about program implementation can be shared. The commissioning process is a specific articulation of that to go into a co-design process to be able to share decision-making about what should be delivered and how it should be delivered.

We seek to be guided by our community partners in the other programs that we operate. They are sometimes subject to program agreements and so forth. Our approach is to seek to be as collaborative as we can about the delivery of those programs, so that we are able to benefit as much as we can from the expertise of people who are actually doing the work, as opposed to those of us who are in other roles.

The funding for those bodies, the Justice Caucus and Justice Advisory Group, is effectively internally funded by the directorate to be able to support the efforts of the group, but it does rely on the participation of individuals on a voluntary basis. The resourcing for the various programs are all subject to budget process and, depending on the size and scale of the program, have different levels of resourcing.

Some elements of those are publicly available, to go the last part of your question. Others will have a public manifestation, so we go to evaluate some of those programs and provide advice about what they have achieved. That takes me to that part of the question.

The Justice Caucus and Justice Advisory Group have both been through a process of refresh and redevelopment. I think they are now coming into a position where they are going to be able to enliven a really useful, active conversation. That process has been going on over at least the last 12 months. That is significant. We can talk separately, I suppose, about the utility—

**THE CHAIR:** Richard, contractual services are not partnerships as defined by the national agreement.

**Mr Glenn:** I accept that. What I can describe, though, is our approach to engaging with our community partners to deliver services.

**MS McGRADY:** Are they empowered to be part of this decision-making process as well? I think empowerment is really, really important—to be able to create a space there

for shared decision-making. That is one of the outcomes. That is a part of that as well.

**Mr Glenn:** I think our mechanisms enable us to have that. I think we need to do more, and that is part of the commission process. If we start by building from the ground up then we would actually have that joint decision-making process all the way through the program.

We have some where we have gone and asked our community partners to deliver a particular thing. That is not started from a position of empowerment, and I accept that. As we live those programs and work through them, we seek to make sure that everyone is sharing in the decision-making and we are collaborating as best we can. The reset for that, I think, is the commissioning process.

**MS McGRADY:** Thank you.

**MS CHIVERS:** Following on from that, can you please provide three examples of where you have shared decision-making with the community, in line with the ACT agreement, specifically focusing on how the decision-making was formalised and to what level it was funded?

**Mr Glenn:** Perhaps I will start with one example, which was the co-design process for the establishment of the Aboriginal and Torres Strait Islander Children's Commissioner. I might invite Ms McNeill in a moment to speak in a bit more detail about that. That is probably one of our big examples of saying—clearly, from “Our Booris Our Way”—that there was a decision that this role needed to be created.

The process that we established to scope that role, to identify it and to work out how we would seek to fill the position has shown a really effective co-management of that process. Of course, that position is now funded to the tune of about \$3.5 million over the forward estimates for the ultimate appointee as well as the funding that has been made available for the interim advocate, Ms Causon, who is here as well.

**Ms McNeill:** I acknowledge the witness statement. Chair and Ms Chivers, I think that you are both are probably quite familiar with this process because you acknowledged the work that had been done by the directorate to establish the office of the Aboriginal and Torres Strait Islander Children's Commissioner.

That was a process where we committed hearings through the “Our Booris Our Way” implementation oversight group to a process where we retained, eventually, the Jumbunna Institute, who facilitated engagement with the community and reported back what they heard about what the role needed to be able to do for Aboriginal children and families.

That report then fed into the design of the legislation. The legislation itself embeds a requirement for us to consult with the community on the selection of the person who will go into that role. That is a process that we are engaged in at the moment. I think that means that this committee are represented on the community panel, which will be taking place later this week.

That is an example where community was empowered. We had a First Nations

organisation come to consult with community in a culturally safe way that led to the construction of the legislation and decisions about whether the role would be located with an existing structure, such as the Human Rights Commission, or whether it would be standalone. Of course, the community preferred a standalone option. We are now going through an additional process of community consultation in relation to the appointment itself.

**Mr Glenn:** I can give another couple of examples of different scale, I suppose. There is the governance arrangements that sit around our relationship with Winnunga and Canberra Health Services for the delivery of health services to Aboriginal and Torres Strait Islander detainees in the AMC. That has a process of being able to establish need within the detainee population, to be able to work out how best to deliver that. There are many issues associated with that. I am sure that we will talk about how that is rolling out in reality. But it is a mechanism that we have established to be able to—

**THE CHAIR:** Can we just go back a minute, Richard? Do you resource for participation and decision-making and not just the delivery of services? It sounds like you are asking them to do it for free. It is disappointing that none of these examples of partnership and shared decision-making are defined by the national agreement. We will move on.

**MS CHIVER:** The next series of questions will actually be around priority reform 2, building the ACCO sector. To commence on engagement with ACCOs, how many local ACT-based ACCOs have you worked with in the last two years? There will be a series of questions in relation to that: who are they; how have you helped existing ACCOs to grow in size or grow the scope for services; how are you progressing with transitioning services to Aboriginal Community-Controlled Organisations; and what new community-controlled organisations have been assisted to be established?

**Mr Glenn:** I will see if there is anyone here who can give the total number of Aboriginal Controlled-Community Organisations with which we have engaged. There are a large number across the range of programs that we manage. I have mentioned Winnunga, Yeddung Mura, Gudan Gulwan and Clybucca Dreaming.

**THE CHAIR:** The last two are not ACCOs.

**MS CHIVERS:** They are businesses, not ACCOs.

**Mr Glenn:** What we have sought to do with our engagement with our partners is to—I think as I have described already—engage in a collaborative process and seek to do more of a commissioning style of work to be able to design our programs and identify the ways in which other support can be provided to ACCOs.

We seek to work with emerging groups. I do not think we have as yet assisted a new organisation to emerge, but of course we would be very happy to do so. We have been advocating for commonwealth investment in capability development for ACCOs through the commonwealth justice reinvestment program, and I think we have had some success there. I am not sure how much I am able to say about that, but we have certainly been engaged in that.

One of the other areas that we have worked on particularly is around the ACT Legal Assistance Sector Strategy and how that can be used to help develop the capacity of legal service providers within the territory. That has had a particular impact, I think, for ALS thus far, including in the last budget, an allocation for funding for a paralegal.

That was quite a deliberate choice of position because there was a need for that service within ALS and for that staffing member. But it is also about seeking to create a pipeline of talent and a pipeline of development opportunities for young people coming through those organisations. A key feature of the Legal Assistance Sector Strategy was: how do we actually generate a workforce that is going to be able to continue to work through those.

**MS CHIVERS:** Thank you for that. We understand that there have been some changes to the scope of the services that are provided by the Aboriginal Legal Service. What were those changes and how have they been communicated to community?

**Ms McNeill:** I assume that this is a reference to the new Care and Protection Legal Service that has been established within the ALS. Sorry, Ms Chivers, what was your question?

**MS CHIVERS:** It was: What is the change and how has that been communicated to community?

**Ms McNeill:** The change is the establishment of the Care and Protection Legal Service within the ALS. Again, this was another response to a recommendation of the “Our Booris Our Way” review, which recommended that there should be culturally appropriate services to assist Aboriginal families in contact with the child protection system.

The change has been the injection of funding, I think the original idea was for two solicitors and a paralegal. We understand that there has been some difficulty recruiting into those positions in recruiting Aboriginal professionals but also recruiting at all.

At this time the ALS, as I understand it, has one solicitor who is not an Aboriginal and Torres Strait Islander identifying professional and two part-time paralegals. So there is one position that remains vacant.

At this stage, I understand that a case load in the order of 25 matters have been in court. That involved seven matters that were in court and 18 non-court matters.

**MS CHIVERS:** Can I just go back to what the actual question was. That is more about the detail rather than the actual change, but how has the change been communicated to the community?

**Ms McNeill:** In terms of the communication, I understand that the ALS has partner organisations embedded who take a role in liaising with the community. So it has largely been a community-led communication program, as I understand it.

**MR WALKER:** What is the FTE of those two positions? Are they full-time or part-time positions?

**Ms McNeill:** As I understand it, there is funding for three positions: two full-time solicitor positions and a full-time paralegal position. But, at the moment, they have recruited two: one of the solicitor positions and two part-time paralegals. That is what I understand the capacity to be.

**MR WALKER:** Are their duties comparable to that of other lawyers in the mainstream?

**Ms McNeill:** The duties are consistent with the duties of any solicitors undertaking care and protection work. Is that what you mean?

**MR WALKER:** I am trying to get to the point as to whether the wage is attractive to Aboriginal lawyers.

**Ms McNeill:** I think the wage is comparable to other community legal service provider wages. There is a big span of legal remuneration. It depends on what style of work you do in the profession. But I understand it is broadly comparable.

**MR WALKER:** I was just trying to rule out whether that is one of the issues that we cannot get anyone to apply for the job.

**MS CHIVERS:** In relation to that service, are those people just for the ACT or do they provide that service across the region, so it is not just for the ACT?

**Ms McNeil:** I am going to have to take that notice, I do not want to say the wrong thing.

**MS CHIVERS:** Thank you. The next lot of questions is still in relation to priority reform 2, and the Indigenous procurement policy. What is the number and value of contracts that you have that support the Indigenous procurement policy?

**Mr Glenn:** I have figures for 2021-22. The 2022-23 figures are still being reconciled, and I will have those shortly. The number of unique Aboriginal and Torres Strait Islander enterprises engaged is 25. The value of those engagements was \$3.85 million, which equated to, under the policy, about 8.5 per cent of our assessable spend, our target being two per cent of the assessable spend.

**MS CHIVERS:** What are the requirements within contract or grants that require specific outcomes for Aboriginal and Torres Strait Islander people?

**Mr Glenn:** I might answer that in two parts. Where there is a grant or a program agreement being built, then the outcomes are described in that around what it is that is expected to be delivered and what we would hope the ultimate outcome would be of the delivery of that service, although to an extent, for example, delivery of a duty lawyer service is to deliver a duty lawyer service. Metrics around that are the number of people being represented and so forth.

Within other contracts—for example, the contacts associated with the figures that I have just described—they are for the provision of services that may or may not be for Aboriginal people. They are the acquisitions from Aboriginal-owned organisations. For



example, in the development of website material or other things, it is not specifically aimed at Aboriginal and Torres Strait Islander people but it is linked to the business sector.

**MS CHIVERS:** Thank you for that response. In relation to mainstream organisations, what are the specific requirements that those organisations must have to guarantee access to services in the community?

**Mr Glenn:** I think that depends on the nature of the agreement or funding arrangement we have with the service provider. To take legal assistance as an example, that funding is provided either under the auspices of the arrangement we have with the commonwealth or from direct ACT government funding.

There are then requirements as to who is entitled to receive those services. Legal Aid, for example, have thresholds as to who can receive Legal Aid services. So that is set up in that situation.

**MS CHIVERS:** What are the specific requirements for those organisations around having Aboriginal and Torres Strait Islander staff within the organisation?

**Mr Glenn:** I think I would need to take that on notice. I am not sure I have the specifics with me.

**MS CHIVERS:** Thanks. Is there also a specific requirement for those organisations that there would be an expectation that they would have Aboriginal and Torres Strait Islander representation on their boards?

**Mr Glenn:** Again, I will take that on notice. I do not think so but let me check that properly.

**MS CHIVERS:** The final part of that question is around whether there are any specific requirements in relation to how the organisations actually procure services.

**Mr Glenn:** My recollection is—and, again, I will check this properly—that we have in our standard contract and grant terms requirements around how procurements are undertaken that go to ethical procurement and things like that.

**MS CHIVERS:** Fantastic. Thank you for that. How is the directorate engaging with Aboriginal and Torres Strait Islander businesses? We are specifically interested in how many contracts you have actually entered into with Aboriginal and Torres Strait Islander businesses and, as a percentage of spending, how much is actually spent with Aboriginal and Torres Strait Islander business.

**Mr Glenn:** Firstly, the engagement question depends on the procurement that we are running at the time. Sometimes it might be an open procurement for which we are seeking bids from the entire marketplace. We have also, consistent with the procurement rules, had select tenders where we are seeking responses from Aboriginal and Torres Strait Islander businesses only.

As I described before, the number of Aboriginal and Torres Strait Islander enterprises



that go to construct our spend was 25. I think that equates to the number of contracts, but we can check that. Again, that amount was around \$3.85 million, which is about 8.5 per cent of our attributable spend.

**MS CHIVERS:** Thank you. The next series of questions will be around priority reform 3, transforming government organisations. How is your directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Mr Glenn:** Let me check the right way to come at this. We have the range of priorities that we have under phase 2 of the Aboriginal and Torres Strait Islander Agreement—the individual focus areas there. But there is also, I suppose, a broader category of work around how we are seeking to transform our own organisation, which is with priority 3, both structurally and systemically. I can address both of those, if that is helpful.

**MS CHIVERS:** Yes.

**Mr Glenn:** I will start with the latter. Our kind of structural changes have been around the creation of our First Nations Justice Branch, which is designed to provide a single touchpoint for a range of Aboriginal and Torres Strait Islander policy and program work that we have on, and it will lead the commission of work that I described earlier.

Secondly, we also have the introduction of the Aboriginal and Torres Strait Islander Children’s Commissioner and the Interim Advocate at the moment and a range of work that has gone on in the Corrections context around the Aboriginal Support Unit.

These are the structural things we have changed in the organisation to try and adapt ourselves to be able to work better against that priority reform.

The systemic changes go to a range of policies and programs that we have sought to deliver. They include things like raising the age of criminal responsibility, which is not just directed at Aboriginal and Torres Strait Islander people but will also have a significant impact; extension of the Galambany Court for more people to be able to engage with it and for it to deal with bail decisions and, ultimately, I think, to extend to other offences, more serious offences in other courts; the Drug and Alcohol Sentencing List; and our alternative reporting sites for Community Corrections clients.

Each of those are transformative because they actually ask the question: What is it that we do that we could do differently that actually changes the way we approach a particular circumstance? A young person who is engaging in risky or unlawful behaviours still may engage in risky or unlawful behaviours but we have sought to actually change the question we ask: “Is this a criminal justice response,” or “What is it about the services we are providing to help this person and help this child’s family be able to address the underlying drivers of those behaviours and to be safe?”

The Galambany Court is about saying we have got a court system and it operates kind of to our convenience; what if we operated it in a way that was more appropriate for an Aboriginal and Torres Strait Islander person coming before the court? When you ask that question, you get to a different way of doing the work.

Similarly, with the alternative reporting sites, the simplest thing is to set one place for

people to come and report on their Community Corrections orders. That is not actually what makes people comfortable and happy and want to engage in the discussion we want to have when they come and report. How about we just move somewhere else so that they can come and talk to us and be more comfortable when they do so? These are the shifts that we are trying to generate in a systemic sense to be able to address that priority.

To the ACT agreement, on the range of actions we have there, the Aboriginal and Torres Strait Islander Children's Commissioner is the first on that list, and I think we have talked about that. The Child Protection Legal Advocacy Service that Ms McNeill spoke about was also an action there, and I will come back to data. An evaluation framework for our justice reinvestment work—

**MS CHIVERS:** We will actually be having a separate series of questions quite soon around data.

**Mr Glenn:** I thought we might. On the evaluation for the Justice Reinvestment Program goes to both what the framework looks like and what individual evaluations look like.

We have an action around implementing an intensive case management system, which is in progress but not delivered as yet, and engagement with community around the evaluation of the ACT Disability Justice Strategy and the preparatory work for the next phase of the strategy.

**MS CHIVERS:** How do you work specifically with other directorates in relation to the ACT agreement?

**Mr Glenn:** Across those actions that I have just identified, and there are more, virtually none of them can be solely delivered by my directorate. They require collaboration across a range of areas. With the minimum age nature of criminal responsibility, for example, it is very easy for my guys to draft some legislation to change the law, but the law is not the issue; it is the services that we put around people once the law is changed that actually makes a difference. So we work with our colleagues in the Community Services Directorate for that.

The Justice Reinvestment Program is about seeking to get a whole-of-government collaboration on these types of issues. There are elements in that strategy that are delivered by JACS and there are elements that are delivered by others. What we seek to do is put the evaluation framework around all of them so we can assess the government's contribution—the government as a whole contribution—to reducing recidivism.

**MS CHIVERS:** Thank you for that. The next questions are around systemic racism. What have you done to review your legislation, policies and processes to identify and remove systemic racism?

**Mr Glenn:** I would pause there on legislation. On policy and processes, we have talked about some of those examples around Galambany Court, offender reporting sites and so forth. They stem from examples of saying: Is there actually something underlying the systemic way in which this work is done that is prone to systemic racism or is

culturally unsafe? We have sought to lift those up and find a different way around those.

Part of our engagement with our First Nations staff network and with our colleagues is to try and have those conversations that allow us to learn and to identify where my own cultural biases or blindness actually occur and where we need to do some further work. Ms McNeill leads a lot of that work for us.

The engagement we have through bodies like the Justice Caucus and the Justice Advisory Group are another way of being able to open up a conversation that says, “We think we can trundle along delivering business in a particular way, but did you know that the way this is delivered feels like this? That enables a different conversation.

**MS CHIVERS:** Thank you for that. The next series of questions will be around workforce. We understand that the ACT government is working to employ Aboriginal and Torres Strait Islander staff as part of improving services to the community. There continues to be concerns raised across the community that some staff are not recognised and accepted by or connected to our local community.

How do you ensure that these people meet the definition of being an Aboriginal and Torres Strait Islander person? You may be aware that there are actually three components of the definition. It is about being of Aboriginal and Torres Strait Islander descent, identifying as being of Aboriginal and Torres Strait Islander descent and being accepted by the community as such.

**Mr Glenn:** I might just pause there to see whether we have an HR related process that we can describe. Across those three categories, we invite anyone who seeks to work with us to alert us as to whether they identify as being an Aboriginal or Torres Strait Islander person. I do not think we have necessarily a pre-employment check around whether individuals are accepted generally as Aboriginal and Torres Strait Islander people.

From the way in which people work, how they engage with community and how community engages with them we get a fairly quick assessment of how people are feeling about them in that process. But I have to concede that I do not think we have a systematic process that assesses that at the beginning of the employment relationship.

**MS CHIVERS:** So you are basically saying that you do not really have a process in place to ensure that Indigenous staff have that lived experience and connection with community in relation to the provision of services to the community?

**Mr Glenn:** I think we accept people’s self-identification. I suppose one reason that we have to be able to, in a way, test the bona fides of people’s assertions is through the involvement of Aboriginal and Torres Strait Islander staff or other stakeholders in our selection panels. We get an insight from being able to do that. But you are correct that, beyond that, we do not have a systematic process.

**MS CHIVERS:** Following on from that, how are these roles and their responsibilities actually being communicated to the community?

**Mr Glenn:** In terms of seeking people to apply for jobs or when they are in their roles?

**MS CHIVERS:** When they are actually in their roles.

**Mr Glenn:** I think a lot of that is done through the stakeholder engagement we have with different community members and with the individuals concerned going and speaking and articulating for themselves their role and where they fit in things, and we provide them support to do that.

I would describe it as a dialogue model where we actually get people to go out and talk to community and say, for example, “I am in this role, this is what I am about and this is what my job is about.”

**MS CHIVERS:** How do you ensure that the advice that they are actually giving is culturally appropriate?

**Mr Glenn:** I think part of that is about growing the number of Aboriginal and Torres Strait Islander staff we have and growing the depth of our connection with people in the community so that we can triangulate some of those questions.

**MS CHIVERS:** When designing roles, what are the requirements for specifying an identified or special measures role?

**Mr Glenn:** The decision-making process around whether a particular role might be identified goes to the nature of the role itself and whether we have a specific need that this role can really only be fulfilled by an Aboriginal or Torres Strait Islander person, whether we need in a particular area to be able to encourage greater numbers of Aboriginal and Torres Strait Islander staff to join. So we find an opportunity to be able to encourage more people to come and work for us. That is my level of decision-making; there may be technical stuff underneath that.

**MS CHIVERS:** Thank you. How many Aboriginal and Torres Strait Islander people are working on projects or programs that are not specifically for the Aboriginal and Torres Strait Islander community?

**Mr Glenn:** I would need to take that on notice. But what might help in answering that question is if you think about the diversity of the work that we do. We have, for example, 16 Aboriginal and Torres Strait Islander staff within the ACT Emergency Services Agency. A large portion of those are firefighters, for example. So we have a number of people in roles that are for the entire community. I will take on notice the distinction between specific programs and general work.

**MS CHIVERS:** Thank you for that. On recruitment panels, has there been an Aboriginal and Torres Strait Islander person independent of the government who has been part of the panel to help with this assessment, excluding anyone from the Elected Body?

**Ms McNeill:** My understanding is that it varies depending on the process. If I reflect, for example, on the process to recruit the Aboriginal and Torres Strait Islander Children and Families Advocate, that was a panel where, yes, there was Elected Body representation but we also had representation from the then New South Wales

Aboriginal Children's Guardian and the Queensland Aboriginal and Torres Strait Islander Children's Commissioner.

So I would say that it is not a consistent response. I think very typically we have been very dependent on the Elected Body to assist us and to provide a First Nation's perspective on candidates, but it has varied a little from position to position.

**Mr Glenn:** We also have some other mechanisms like the IFARES program, the Indigenous Fire and Rescue Employment Strategy program, which is run by New South Wales. That is a means of being able to encourage Aboriginal and Torres Strait Islander firefighter candidates and to have them assessed through the physical and other requirements of the role. So we do employ different mechanisms to be able to make those selection decisions.

**MS CHIVERS:** How does the directorate train and ensure the cultural competency of ACT government employees?

**Mr Glenn:** We have a range of training requirements and training opportunities that we provide to all of our staff around basic cultural competency, moving through to more specific opportunities—for example, attending Garma, which has just happened.

We also have in parts of the organisation varying degrees of compulsory cultural competency and cultural learning obligations. For example, it is mandatory for ACT Corrective Services staff to undertake cultural awareness training as part of their induction training. There is then additional training that is available above and beyond that for specific roles and specific actions within Corrections.

We have a range of options. If it would help, perhaps on notice I can provide you with the numbers of people and we can send that through.

**MS CHIVERS:** Yes. In relation to some of those other options where you were saying there might be additional training et cetera, is the content for those options designed and delivered by local Aboriginal and Torres Strait Islander people or organisations?

**Mr Glenn:** That I think is a mixture.

**Ms Krajina:** Good afternoon. My name is Danielle Krajina and I acknowledge the witness statement. There are different levels of training provided across the organisation. There will be certain training provided at a whole-of-government level, certain training provided at a directorate level and certain training provided at a local business level.

In most cases, the training, if it is face to face, will be provided by an Indigenous provider. Some of the really successful engagements we have had have been with undertaking on-country tours and Ngala training. We have also participated in the grant CSIRO Strategic Indigenous Program.

So the area of focus that we are working on will determine the type of training we provide. In saying that, we also do have online training that is provided at a whole-of-government level and we have also participated in a range of AIATSIS training across the organisation.

**MS CHIVERS:** Thank you.

**MS McGRADY:** Excuse me. Can I ask a question?

**MS CHIVERS:** Yes.

**MS McGRADY:** How is the cultural competence assessed and by who?

**Ms Krajina:** Of the people providing the training?

**MS McGRADY:** No—

**Ms Krajina:** As to how successful has the training been?

**MS McGRADY:** Yes.

**Ms Krajina:** I think that is a difficult one to judge. We certainly undertake evaluation processes for all of the training that has been undertaken, and our human resource team assess the success of how people feel about the training. But, in terms of the impact of the training, I would not say that we have a lot of statistical information that supports that.

**MS McGRADY:** In regard to staff?

**Ms Krajina:** We have information on who has been trained and the type of training that they have participated in. So we have certainly got the numbers, though not necessarily undertaking formal evaluation as to how the training has been, I guess, received by the individual. But we do have evaluation processes where we ask individuals how they feel about the training and what they got from the training. In my experience, that has always been very positive.

**MS McGRADY:** How much of that is online and how much of that is face to face?

**Ms Krajina:** I would have to come back to you with the details. The vast majority of our training is face to face, but we do take advantage of online training, as I said, at that whole-of-government level. But I can provide you that.

**MS McGRADY:** Thank you.

**MS CHIVERS:** How has JACS supported Aboriginal and Torres Strait Islander employees across the ACT Public Service to reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander people within government systems by 80 per cent by 2028?

**Ms McNeill:** It is difficult to answer that from a statistical point of view in terms: of is our objective necessarily to reduce by a particular amount? Yes, the objective is, but that is not necessarily what we are aiming for. We do want JACS to be an employer of choice. We want it to be a place where our employees feel safe and valued.



There are a couple of things that we do. Mr Glenn mentioned that one of my roles is chairing the Aboriginal and Torres Strait Islander Staff Network. The irony of me chairing that when I am not an Aboriginal or Torres Strait Islander person is not lost on me. But, notwithstanding that, I think and the group think that it is important to have very senior support for the organisation.

The network exists alongside other whole-of-government Aboriginal and Torres Strait Islander networks. For example, across all the directorates, the Yarning Group is a very successful network. Our network is not as strong as that. When I last looked in the Teams chat, the group amounted to around 30 people. But it is an opportunity for staff from across all the business units in the directorate to come together, share experiences and share cultural load.

There is a focus on career development. For example, at our most recent staff network meeting, we had a presentation on performance and development planning and how that can be used to help Aboriginal and Torres Strait Islanders to very consciously plan and enlist the support of their supervisors in their development. So that is one thing.

We also have the Respect, Equity and Diversity roles, the RED contact officer roles. They are meant to be officers to whom people can go and raise concerns if they are experiencing racism or other forms of discrimination. Off the top of my head, I am thinking about the crossover between the RED network and the Aboriginal and Torres Strait Islander network, and it is minimal. I do not know that we have strong Aboriginal representation in the RED network, but that is certainly another opportunity available.

Other than that, there are of course the formal complaint mechanisms that are available to staff who feel that they are experiencing discrimination.

**MS CHIVERS:** I would just point out that the target that I mentioned is actually in the ACT agreement.

**Ms McNeill:** I am not saying we are not aiming for it; I am just saying that these are things that we are doing to support staff. It is not just to get there.

**MS CHIVERS:** There has already been four years to date with the agreement. So it is really about the reduction in staff experiencing racism as well. How many incidents of racism are generally reported within the directorate each year?

**Ms Krajina:** Thank you for that question. We have very few reports of discrimination in the directorate. If we do receive those, they will be dealt with seriously and resolved through a range of mechanisms. That could be through a misconduct or other investigative mechanism. But there are very low numbers.

**MS CHIVERS:** We are specifically interested in racism, because discrimination can be completely separate and different to racism.

**Ms Krajina:** Sure. From the perspective of racism specifically, we have had no reports.

**Mr Glenn:** We have seen through our staff survey data indications of people's experience of racism and a range of other issues, which indicates that people are either



experiencing or witnessing things that are not being reported through formal channels.

**MS CHIVERS:** So, if that is being reported in the staff survey, what is the directorate looking at doing to prevent that in the future?

**Mr Glenn:** In the response to the staff survey, we will have a general broad whole-of-directorate response on a number of issues, but within each individual business area there will be more specific responses that can drill down into particular issues.

I would really like to better understand the disconnect between people's reported experience and formal complaint. So I would like to work through that with people because I think it is both about understanding what people are seeing when they are reporting that in the staff survey but also what the barrier is that stops people from reporting that. Is it that choosing not to, is that feeling unsupported to do so or is there something else? That is the action on us out of that.

**MS CHIVERS:** Thank you for that. The next couple of questions will be in relation to priority area 4 in the national agreement. How are you progressing the principles of Indigenous data sovereignty?

**Mr Glenn:** Sorry, I missed the last part of the question.

**MS CHIVERS:** How are you progressing the principles of Indigenous data sovereignty?

**Mr Glenn:** I think it is fair to say that this is the least advanced of our work against the priority areas. We are doing a range of work on the adequacy of our data generally across the justice system and what is available to us. We have processes in place to be able to do evaluations around our justice reinvestment and reducing recidivism targets and evaluations of a range of projects that sit within that program.

That is going to generate a lot of data that we will seek to share with all of our Indigenous partners and through the mechanisms of Justice Caucus, the Justice Advisory Group et cetera that we have spoken about. But I think it is fair to say that is a work in progress. I am not sure I can take that too much further.

**MS CHIVERS:** Thank you for that. What has your directorate done to appropriately identify Aboriginal and Torres Strait Islander people receiving services in your directorate?

**Mr Glenn:** The challenge in that is the diversity of services that are delivered. Within the Corrections environment—if we start there—we have the self-identification process of people coming into the Corrections environment as to whether they are Aboriginal or Torres Strait Islanders and how we deliver services to them. That data is captured in that context.

Within the court environment, again it is a self-identification exercise. We would probably capture more data about those people moving through the court system who are able to avail themselves of the Aboriginal and Torres Strait Islander-specific services like Galambany Court et cetera than we would about the other range of services

that are delivered.

All of our programs that are directed solely at Aboriginal and Torres Strait Islander people have reporting obligations on our partners to be able to tell us to whom they are delivering the service and how many.

Across the range of emergency services and other things that we deliver to community, we would likely not collect information about Aboriginality unless it is pertinent to the service that is being provided. For example, it may be part of a collection of health information for a paramedic if it is pertinent to the issue that the individual is having, or it may not.

**MS CHIVERS:** Thank you for that. We are going to move onto the more directorate-specific questions. But, prior to that, I want to ask a number of questions that we have actually received from the community, specifically in relation to the recent death in custody that really has impacted the members of our community. So I will start by asking those.

Did you as the Director-General immediately notify the ACT Coroner of TJ's death in ACT corrective custody on 5 August 2023?

**Mr Glenn:** Personally, no.

**Mr Johnson:** We did not notify the ACT Coroner directly. New South Wales Corrections notified the New South Wales Coroner directly. The relationship at a coronial level is between the coroner in New South Wales and the coroner in the ACT.

**MS CHIVERS:** Thank you for that. Why was TJ not given appropriate mental health care whilst a detainee under the care of the ACT?

**Mr Glenn:** I do not wish to be evasive in answering this question, but I am alive to the fact that there will be a coronial process in relation to Mr Dennis's passing. So I am cautious about treading into that space.

**MS CHIVERS:** Yes, we understand that.

**Mr Glenn:** What I can say is that we sought to provide through our partners at CHS and Justice Health Services appropriate care for Mr Dennis whilst he was within the AMC; that he received different levels and types of care at different times in his sort of journey through that part of the system; and that his transfer to New South Wales was in part to assist his mental health and his wellbeing.

**MS CHIVERS:** While I understand that you may not be able to answer the next couple of questions, I will ask them, given that we have received them from the community. What was the offence that TJ committed that led to his incarceration in the first place?

**Mr Johnson:** That we could probably answer. I might need to get some details of that, though. If we can get that before the end of the hearing, I am happy to provide that back. Otherwise, I think we can take that on notice. That is a matter of fact and record, I think, on the face of it. So we will try to answer that either before the end or on notice.

**MS CHIVERS:** Thank you for that. How long was his initial sentence?

**Mr Johnson:** I think that will be the same answer. Again, I think we can answer it. It would be a matter of public record. I just need to get the detail.

**MS CHIVERS:** How long had TJ been detained in total in the ACT and New South Wales before his death?

**Mr Johnson:** Again, it would be a matter of record; so, yes, we can get that for you.

**MS CHIVERS:** Fantastic. Thank you. On how many occasions was TJ either assessed or treated by a psychiatrist while detained in New South Wales?

**Mr Johnson:** Firstly, I think the level of detail we would have of that would be limited; and, secondly, I think that would be something the Coroner of New South Wales would be interested in understanding themselves.

**MS CHIVERS:** Why was TJ not admitted to the Forensic Mental Health Facility at either Dhulwa Secure Mental Health Facility in Symonston ACT or Long Bay Correctional Centre?

**Mr Johnson:** I could not speak for the Long Bay Correctional Centre. There was advice provided in New South Wales on a particular unit in New South Wales Corrections that deal with people in Mr Dennis's circumstances.

In terms of the placement in the ACT, without jumping around directorates, I think in part that will be a matter for Justice Health to answer in terms of the clinical decision to or not to. I understood it had been considered and a decision made, but I do not have the detail nor the expertise to be able to answer that one, I am afraid. Sorry.

**MS CHIVERS:** Thank you for that. How many visits from a psychiatrist or mental health clinician did TJ receive while detained in New South Wales?

**Mr Johnson:** I think that would fall into the same category. It will be material that will be before the coroner, I would expect, in New South Wales. We would not have the detail.

**MS CHIVERS:** Did the prison officers involved in the 'hangman disgrace' at the AMC personally apologise to TJ?

**Mr Johnson:** I would have to take that on notice. It was prior to my time. I would have to take on notice whether they were identified. I am getting a shake of the head that they were not identified in the investigation. So, unfortunately, the answer would be no.

**MS CHIVERS:** I am assuming, given that you have said it was not known who those people were, that you will not be able to answer the next question. The next question from community is: are the prison officers involved in the incident still employed at the AMC?

**Mr Johnson:** Again, I could not be sure, in the absence of knowing who they were, whether they have since left or whether they are still there. It has certainly been made very clear that it was unacceptable behaviour and continues to be unacceptable, and it is a really important part of the culture of Corrections that we make sure that is the culture.

**MS CHIVERS:** The final question in this regard from community is: when is the ACT government going to hold a commission of inquiry into the AMC?

**Mr Glenn:** The ACT government at this point does not have an intention to hold a commission of inquiry into the ACT. The government has announced a review into overincarceration and matters in relation to the ALRC Pathways to Justice report. That is the action that has been taken.

**MS CHIVERS:** How does the ACT stay assured that ACT transfers interstate are well cared for and what is the process to know when there is an issue?

**Mr Johnson:** Without going into chapter and verse, there are a couple of ways people can be transferred interstate. The way we can transfer people to New South Wales is unique in one sense but the purpose is similar. Careful consideration is always given to transfers interstate, particularly New South Wales, as to the purpose and the value of that for somebody's welfare. It could be a range of things like—and thinking about Aboriginal people particularly—potentially being back closer to country in New South Wales might be an advantage and being closer to family might be an advantage. There are a range of things that we would consider in that context.

We can transfer someone for a temporary period or for the rest of their term of imprisonment and they can equally apply to come back, and that has happened also. So there are those mechanisms. Of course, they are technically under that model still sentenced in the ACT. Their sentence is not transferred interstate.

In the other model, where it is a government-to-government agreement, the transfer of the sentence goes with the person. So, effectively, all connection to that person goes to their transfer interstate. We are aware of who those people are, and to the extent we can, noting New South Wales Corrections is their own entity, we will have a limited amount of ability to influence them. But they have some capability, just on the magnitude of scale.

Again, in the case I have just spoken about, there is a particular unit that works very closely with people who have very difficult and complex needs, particularly Aboriginal people, and is relatively successful in working in the New South Wales system. So we rely on them. If there are issues, we do hear about them, though, and we can work out what the alternative might be.

**MS McGRADY:** Did you mean that, with both of those models that you spoke about, the person can apply to come back? If their sentence goes with them, is there still the opportunity for them to come back if they choose to?

**Mr Johnson:** There could be. It would require the same process to be done in reverse, though. For example, if you were to move to Western Australia through a

government-to-government agreement, ministers have to agree and it takes longer. The process to come back is as equally complex. The relationship we have with New South Wales is that it is quicker to do both ways, particularly considering they are still sentenced in the ACT. So, on the face of it, we will consider their return to the ACT and, as long as it maintains the security and good order of the AMC, we will bring them back.

**MS McGRADY:** And in the best interests of the person.

**Mr Johnson:** The best interests of the person; correct.

**MS CHIVERS:** Members, any further questions in relation to that matter?

**MS McGRADY:** No.

**MS CHIVERS:** Okay. I will now go onto the other specific directorate questions that the Elected Body have for the hearings.

The National Agreement on Closing the Gap justice target is to reduce the rate of Aboriginal and Torres Strait Islander young people, 10 to 17 years, in detention by 30 per cent and adults held in incarceration by at least five percent by 2028. What is the current rate of Aboriginal and Torres Strait Islander young people in detention?

**Mr Glenn:** Sorry; we do not have data on young people in detention, youth justice being managed by the Community Services Directorate. We deal with adults.

**MS CHIVERS:** We will raise that tomorrow when we have CSD before us.

**Mr Johnson:** Ms Chivers, I have the answer to some of those questions that you asked that I thought I might take on notice, if you are happy for me to read those now, or I can come back to them at a later point.

**MS CHIVERS:** Would members like to hear them now? That might be good, given that we actually have a lot of community who are watching the livestream of hearings today.

**Mr Johnson:** Sure. Certainly. Mr Dennis entered Corrections custody on 3 November 2017. He was sentenced to a range of offences at that time, including arson and aggravated robbery in both the ACT Magistrate Court and the ACT Supreme Court. At the time of his transfer in July 2021, he had a total sentence of eight years and seven months, to expire on 3 March 2027. He would have been eligible for parole on 2 December 2023. He was, though, subsequently charged with an extra 15 offences, including arson, which extended his sentence and his non-parole period. He would have been eligible for parole on 2 April 2025.

**MS CHIVERS:** Thank you for that. In relation to the question that I just asked, putting aside what I said in relation to detention of young people, are you able to tell us more generally what the current rate is of Aboriginal and Torres Strait Islander detention?

**Mr Johnson:** I can certainly do that. Broadly, as at 13 August, the total population of

people in detention in the AMC was 363. Of those, there were seven female Aboriginal and Torres Strait Islander people in custody and there were 87 males of that 363, which is a percentage similar to what it has been but slightly lower than it had been and lower for women particularly. That is the current situation.

**MS CHIVERS:** Thinking about the national agreement targets that the ACT government has committed the ACT to, how will the directorate actually achieve the targets in relation to Aboriginal and Torres Strait Islander incarceration?

**Mr Johnson:** I can give you an indication of where we are currently, over the last little while. We have not had the success we would like to, as you know. In terms of First Nations people, the rate of return has come down from its peak, which was in 2017-2018—a rate of return of about 67 per cent. In 2021-22 it was 47, which was a slight increase from the year before. Whilst the figures are still being checked, we expect a figure that is slightly below that this year but not by much.

We have seen some progress, though, albeit the number is bigger in terms of ex-prisoners returning to Corrections. There was a 6.8 per cent reduction in male Aboriginal people returning to Corrections in the last report. But that is still off a too high a number. So that is positive, but not enough.

There are a number of strategies in place, including how, once they are in the system, they get through successfully such things as their parole periods. I think as you are aware, we have been working on the alternative parole reporting model. It certainly had some success in other factors. We are waiting to see the level of success that it has had in reducing recidivism for people who have been through that alternative parole reporting model.

We talked about alternative bail, and it is the same process. If we can keep people in a bail environment instead of in a remand environment, we can reduce the numbers. We think there are some opportunities for us to reduce the numbers further there.

You are aware that the government has committed to a trial of, for example, electronic monitoring. Part of the basis of that is that, if there are alternatives to remand, for example, or alternatives for sentenced prisoners in custody, perhaps there are some models that have some good wraparounds that work really well in that context. Some jurisdictions interstate have experienced positive outcomes. So there is future work being done there.

There is a project currently underway for us to put more focus in our connection with community on community corrections more generally—so people who come into community corrections first in their cycle of potential reoffending—to see if they can be stopped from coming back at the point of arrival in community corrections, whether it be an intensive corrections order or a behaviour order or something more successful.

We have had one of our Aboriginal staff offline for a period of time working on a project that is going to develop a model of care that really focuses on community and how you connect families to that. We are in the process of recruiting family engagement officers in the AMC. That is for broader, but it will certainly help with the Aboriginal community engagement back to family.



There are a number of strategies in place, but I think we have still got to contemplate more work.

**Mr Glenn:** Mr Johnson describes a range of work that we do for people who have already come into contact with the criminal justice system and are clients within the Corrections system along the way. Recognising the sort of intersectionality of all of the work that we need to do, we have programs that seek to assist families whose members may be at risk of coming into contact with the justice system. We are trying to support families in a way that avoids the need to be receiving services through Corrections.

We are trying to pick people at different parts of their journey so that those who have already had contact and are coming through the system are able to reconnect with the community and not return but, equally, for those who have not yet become clients, to avoid that altogether by providing supports that they may need to pull them away.

**Mr Johnson:** One of those examples I think is the on country program that we are in the process of starting to set up. Perhaps Caroline Marsh might be able to speak really briefly on that. That program is an effort to try to intervene at that sort of 10- to 14-year range—people who may be vulnerable—to try to divert them from the justice system.

**MR WALKER:** Wonderful. According to the Productivity Commission, their figures are saying that it is 78 per cent. What is the variation in your numbers?

**Mr Johnson:** The Productivity Commission figures have only been published for the last year, and we have just started to cover the numbers for 2022-23 year. Whilst I would not want to hang my hat on them yet because we will still have to properly audit them, what we think at the moment is that it looks like there has been a reduction on that number you have just quoted.

**Mr Glenn:** What we are hoping is that we will be able to link that reduction through the evaluations of the programs we have got going—to be able to link the activity in those programs to that result. We want to determine whether what we are doing making a difference and whether we can demonstrate that in the data and in people's experience. Then we will know what to do more of and what to let go and do something else.

**MS McGRADY:** We are four years into this agreement. What is working? There is little improvement. What is our next conversation going to be like as far as our agreement, closing the gap and the national agreement? What is working and what will be the visioned conversation we will be having at this table again? It may not be with us but even with new members.

**MR WALKER:** You will be back.

**Ms McNeill:** One thing I would say is that we do not pretend to have all the answers, but one of the pieces of work that the government is committed to is an overrepresentation review. One component of that work will be working with community to try to identify what steps can be taken.

We absolutely acknowledge the importance of listening to community and giving



community an opportunity to drive the solutions. So that is the other piece that I would point to.

We can look at the programs we are doing now. We can do assessments of them. We can see what is working and what is not. That is ongoing. But we are also submitting the ACT to a scrutiny process to see whether it has implemented all the things that have come before which have been recommended and also seeing, in conjunction with community, what more can be done.

It is not really just a justice system answer, as Mr Glenn said. It is such an intersectional set of issues that lead to this overrepresentation phenomenon.

**MS McGRADY:** Yes, and we live those issues.

**Mr Johnson:** I think the importance of the work done at a point prior to arriving in the justice system is a really critical bit—using the example that we just did around the on country program. It is small, but there is work in a number of places.

Maybe at some point ACT Policing might talk about the work that they will do in terms of diversion so we do not find them in the justice system. We hope to see the Children and Young Persons Commission help that diversion as well.

**MS McGRADY:** Was there also a program around probation and parole? Did you mention something?

**Mr Johnson:** Yes; the alternative parole reporting arrangements. We now have three alternative sites for alternatives for reporting for parole, which makes it easier to do and less likely to breach. Unfortunately, a technical breach is often the reason why people find themselves back in custody—so working to avoid those.

**MS McGRADY:** And the recruitment in that space of Aboriginal and Torres Strait Islander probation or parole officers?

**Mr Johnson:** We now have two Aboriginal staff working on those alternative sites.

**MS McGRADY:** Good to hear. Thank you.

**Mr Johnson:** Going back to the original conversation, we also have a number of staff across Corrections able to work with Aboriginal people.

**MS McGRADY:** Thank you.

**MS CHIVERS:** What is the current role of the Justice Caucus and when did it last meet?

**Ms Marsh:** I am currently Executive Branch Manager of the First Nations Justice Branch, and I accept the witness statement. Caucus has met a few times now since it has been refreshed post-COVID. Its last meeting was on 26 July—so only a couple of weeks ago—and that was an open community forum. The caucus committee itself met openly at Yarramundi and community was invited to come to that.

**MS CHIVERS:** Can you also outline what the current role of the Justice Caucus is?

**Ms Marsh:** Yes, absolutely. The terms of reference were revised by the caucus itself when it came back together to make it clear what its role was in fact going to be. Ostensibly, caucus observes the directorate's response to the justice implementation plan under the agreement and checks that we are doing what we are meant to do in terms of the actions. It may also receive other questions or issues from the directorate. The directorate may direct a number of things for consideration.

I am not part of caucus. I stay a bit remote from it, but members of the branch are. One of the things that caucus raised in early meetings was that it did not have good visibility of some of the other larger committees and their action within the directorate—for example, IDC and the Justice Policy Partnerships—and wanted that. So I took it upon myself to create—I have not done it yet—a table that updates caucus at each meeting. That will be handed to caucus members so they are aware of what is happening across a number of these important committees.

**MS CHIVERS:** What plans does the directorate have for the caucus going forward and under the agreement?

**Ms Marsh:** It has been refreshed. It is aware of the current justice implementation plan. We are all aware that there have been delays in that implementation, largely because of COVID, but the draft has been finalised. It is awaiting formal signoff, I believe, but we are working to it. A number of the actions under that have already been achieved, but caucus has kind of a draft of that final version.

**MS CHIVERS:** Given that the revised or refreshed caucus has only had a limited number of meetings, will the leadership of the directorate be meeting with the entire caucus in the future?

**Ms Marsh:** The Justice Advisory Group, as part of the governance, in response to the agreement—we have got caucus, and then we have got the Justice Advisory Group, which is made up of executives across the directorate who have responsibility for the actions under the plan and the chairs of caucus—is also being refreshed. It is about to meet. So it is ready to set up. Both caucus chairs will be part of that.

I would point out that one of the changes in the way in which caucus operates is that there are now co-chairs. There is a government and a community representative. So there are co-chairs, and both co-chairs will be part of the Justice Advisory Group—JAG. They will meet, typically, a few weeks after each of the caucus meetings. A criticism in the past has been that there is not enough reporting back to caucus of what has actually happened further up the line, and that is now being addressed so that there will be that circular movement of information.

**MS CHIVERS:** Thank you for that.

**Mr Johnson:** We would also hope the caucus becomes one of our key consultative forums. As you know, there is a lot of need to consult. Having a formal process and a body that can help us do that consultation with community will serve us well as we go

forward with some of the things that are coming out of the Justice Policy Partnership, for example.

**Ms Marsh:** In fact, we had some documents produced by the JPP which were sent between meetings to caucus members to review and make comment on. The difficulty we have with a lot of those is we get very short time frames imposed on us, particularly from the commonwealth, who are running the JPP in particular.

That is problematic from a consultation point of view—problematic for government and problematic for community—and these are some serious things that need reflection and discussion. We are working on addressing that with the commonwealth. All jurisdictions are making the same point. It is very hard for them to get reliable and proper consultation happening with proper time to reflect.

**MS CHIVERS:** Thank you for that. What are the outcomes of justice reinvestment?

**Mr Glenn:** Our Justice Reinvestment Program covers a range of activities. I can take you to a couple of the big ones and some of the outcomes there. Again, the whole thing is subject to a bigger evaluation, which will show us the deeper understanding of what we actually achieve through justice reinvestment.

I will take you through some of the programs. There is the Yarrabi Bamirr program, which provides a family-centric model of support for people at risk of engagement with the criminal justice system. We have a total of 23 families engaged in that program delivered by three different organisations.

We have had evaluations of that over time. That has demonstrated a real impact on being able to provide the supports that those families need to be able to resolve issues as they emerge, be they in relation to child protection or to engagement with the criminal justice system or any range of issues that require someone to help connect the family to the service, so that people do not sort of miss out on receiving a service that they would otherwise be entitled to, which would enhance their vulnerabilities. That has been demonstrated as an effective mechanism.

The Justice Housing Program takes a couple of forms. We have a number of houses within our own Justice Housing portfolio which are able to take both men and women—not all of them are Aboriginal or Torres Strait Islander, but there are spaces reserved—who are either exiting the AMC and needing housing support or are on bail or other community orders that are contingent upon being able to have housing support.

There is a transitional accommodation program that is run for us by Yeddung Mura. This provides four places for Aboriginal and Torres Strait Islander men who are exiting the AMC. We are seeing that people who might otherwise struggle to have appropriate accommodation that would enable bail, a community order or parole are able to access that. That means that we are able to facilitate either not coming into the AMC or leaving at the earliest possible point to be able to start that journey back into community. That has been, I think, extraordinarily successful.

There is an evaluation of that underway. I think the issues that will go to that evaluation is: can we better target the support services that go around those people in their housing?

The housing itself is one thing, but how do we actually support the people in it so that it is the best chance that they have to divert from a path that sees them going into or coming back to the AMC?

There are a range of things we have in the Justice Reinvestment Program that go to supporting people on community orders or on bail. There are two that are run by ALS. One is the Front-Up Program, which is to assist people who might have actually had a bail or community order breach be able to come forward and negotiate an outcome so that, effectively, the breach is not compounded by the length of time of being in breach and that resulting in an adverse outcome for the individual.

The Bail Support Program is sort of a front-ended program to say, if someone is on bail, how do we find a way to support them to meet their bail conditions so that they do not fall foul of a breach because of other issues?

I will not go through all of them, but there are some highlights. These fit within the continuum of the justice reinvestment activities that we have going on. They all contribute towards the reducing recidivism target. The evaluation framework for that reducing recidivism program is being developed by the ANU and is now in the process of being activated. So, by the end of this year, we will initial data from that evaluation and then by the middle of next the final evaluation. That is our mechanism as we went into the Justice Reinvestment Program to say, “We will do this. We will make sure we have got investment in the evaluation capability so that we will be able to determine the efficacy of these programs.”

**MS CHIVERS:** Basically, what is the impact of all of that activity? For example, how far has that actually reduced the number of Aboriginal and Torres Strait Islander in custody? We are excited to hear about the activity but, from a community perspective, we really want to know what the impact is.

**Mr Glenn:** For the Justice Housing Program, for example, we can point to the number of people for whom the outcome would have been a journey to the AMC but for the housing. So I think we can get that number for you. That is a reasonably identifiable one.

The others are, anecdotally, providing support to people. We are seeing good outcomes, but we do need the evaluation data to really be able to hand on heart say that this is worth the effort and it is actually delivering outcomes for people on the ground.

Certainly, the Yarrabi Bamirr has been evaluated and has shown that there are people who have, through the support that has been available from Aboriginal organisations, been able to resolve with that support issues that would otherwise have driven them towards engagement with the criminal justice system or other adverse outcomes for their family, like child protection issues.

**MS McGRADY:** That data is really, really important. If you are able to take it on notice that would be really helpful, I think.

**Mr Johnson:** I understand the Acting Commissioner might be able to provide some of that in detail, if that is okay.

**Mr Aloisi:** I am the Acting Commissioner for ACT Corrective Services, and I acknowledge the witness statement.

In terms of the Justice Housing Program, from the commencement in May 2020 until I think 8 August—so not long ago—a total of 182 occupants were accommodated—that is current and exited—in the Justice Housing Program. This included 158 men, 47 of whom were Indigenous; 22 women, 12 of whom were Indigenous; and two transgender persons, one Indigenous.

I can also provide some information with regard to the transitional accommodation program. Since that service commenced—between mid-June 2022 and 8 August—we have had six residents in total accommodated through that program. Four of those residents have since exited and two are currently residing in those properties.

**MS McGRADY:** Thank you.

### **Short suspension.**

**MS CHIVERS:** We will recommence the hearing. We still have a lot of questions. I would like to note that, if we do not get through them all, we will provide the ones that we do not cover in writing, for a response, if that is okay?

**Mr Glenn:** Thank you. To that end, we can provide an answer to a question taken on notice.

**Ms McNeill:** Member Chivers, you asked a question earlier about the availability of the Care and Protection Legal Advocacy Service and whether it was restricted to people in the ACT. It is actually referable to the ACT's care and protection system; mostly, that will be Aboriginal and Torres Strait Islander people in the ACT, but potentially it could be people just outside who have an interaction with the ACT's care and protection system.

**MS CHIVERS:** Thank you for that. The next lot of questions that I will be asking are in relation Galambany Court. Galambany Circle Sentencing Court has existed as part of the ACT Magistrates Court jurisdiction since 2004. It has sought to involve our people in sentencing, increase their confidence in the process, reduce barriers and provide culturally relevant and effective sentencing options. How effective has Galambany Circle Sentencing been in diverting or reducing the number of Aboriginal and Torres Strait Islander people moving through the justice system?

**Ms Nuttall:** I acknowledge the witness statement. I do not actually have figures, apart from those broad figures, on reducing recidivism etcetera. We have increased the sitting days of the court. You will be aware that government provided some funding in the budget to provide additional sitting days for the Galambany Court and sitting days for applications for bail.

In 2019-20, prior to those increased days, the average time between a matter being referred to the Galambany Court and being sentenced was 387 days. Somebody might have remained in custody for 387 days from time of referral to time of sentencing. That

is now reduced. It takes 39 days from referral to assessment, and a further 82 days from assessment to sentencing. That has reduced to 121 days, if my maths is correct. There has been a significant reduction in the number of days in custody, even though we are not necessarily seeing those reductions in the number of people in custody.

The other program is the bail court. Since July 2022, there have been 69 applications to the Galambany Court for bail. Of those, all 69 were in custody, obviously; you cannot make a bail application without being in custody. Fifty-six people were granted bail, and those bails are always issued from the Galambany Court with a bail support program, the ALS bail program. They have a support program, and they are working with that program.

Eight people were denied bail, and five people withdrew their application for bail. There were also 18 applications to vary bail. Somebody, for numerous reasons, can come before the court and seek to vary their bail, if reporting conditions are not working etcetera. They will work with the ALS, again, to make sure that the bail conditions that are in place reduce the likelihood of people breaching their bail, and maintaining their bail conditions.

**MS McGRADY:** Can I ask a quick question regarding Galambany and the figures you gave? How does Galambany view persons that front up at court that are on family violence or sexual assault charges?

**Ms Nuttall:** The Galambany Court is in the ACT Magistrates Court, and most sexual offence matters will be in the Supreme Court. The court does hear matters where there are family violence offences. I am not sure about sexual assault. If there is any low-level sexual offending, I am not sure whether they take those. I would have to take that on notice.

**MS McGRADY:** Okay; thank you.

**MS CHIVERS:** What is the impact of the Galambany Court on recidivism?

**Ms Nuttall:** We do not have that data. You may be aware that there was a report done, released in 2020, about the cost-benefit of the Galambany Court. It took into account reduced incarceration, but it was not able to determine recidivism.

**MR WALKER:** A follow-up question to that is: are you going to correct that?

**Ms Nuttall:** Correct what, sorry?

**MR WALKER:** The recidivism aspect.

**MS CHIVERS:** The data?

**MR WALKER:** Yes, about the data.

**Ms Nuttall:** How we collect the data?

**MR WALKER:** Yes.



**Ms Nuttall:** We have been undertaking some structural reform within the courts administration. We have established a position that will oversee all of our therapeutic courts to look at evaluating each of the therapeutic courts. They are the Galambany and Warrumbul courts, as well as the child protection intensive list. We will be looking at how we capture data.

**MR WALKER:** It was only reviewed a couple of years ago, wasn't it—Galambany?

**Ms Nuttall:** The review did not look at recidivism. It looked at a whole range of issues. It was called a cost-benefit analysis; it was not really looking at other outcomes. It was looking at the savings and the value of the court itself. From recollection, it showed that, for every dollar spent in the Galambany Court, the system saved \$3. That was in custody, housing, child protection—across a whole range of socio-economic issues.

**THE CHAIR:** With the Galambany Circle, it is assessed by elders.

**Ms Nuttall:** Yes.

**THE CHAIR:** The elders have connection with community. Do the elders apply to get onto that, or is there a process for getting onto that?

**Ms Nuttall:** There is a process. We have not run a process since 2020, so it has been some time since the panel has been refreshed. We put out expressions of interest, and people apply. We sometimes have people come off their own bat and ask to be on the panel, but unless there is a formal process, we do not—

**THE CHAIR:** Or a tap on the shoulder, as community has been saying. There have been taps on the shoulders about community—

**Ms Nuttall:** I do not believe that to be the case. When the last process was done, there was a panel of 20 people set up, and we draw on those 20 people. Some people make themselves available more than others, but they have been through the process. It is not a tap on the shoulder; there is a formal process.

**THE CHAIR:** The reason I ask is that the community has been asking questions about a lot of them being put through Galambany to reduce recidivism. These ones that have gone through Galambany have charges that are to do with domestic violence. We had the conversation about what went through them, and what community members have been talking about. I am a little bit disappointed about the process.

You talk about domestic violence being high on the agenda, yet they are going to Galambany circle and getting off, with really light sentences, and the assessment process is not done in the community. If I were to sit on that, I know the community. I know where each person sits. But there are some assessments where they are not aware of that, and this talk is coming from community. This is what community has been saying, and that worries me. It worries me because they are going out, and they are repeat offenders.

I do not want this to be used just to reduce recidivism, which seems to be the case. You



are sitting there and saying, “This is how many we reduced and kept out.” For what reason? When you look at it again, certain people are repeat offenders. And they are severe charges. Why put elders in that state, to do the assessment, regarding where domestic violence and other severe charges sit in the community?

I do not know anything about the law; I do not claim to know anything about the law. The first thing I would be assessing is: is it safe to put them back in community? Are they safe? Are the programs or mechanisms set up for them to be placed in the community safely, and not just as a way of reducing Aboriginal recidivism in jail? If you put them back, there are not many programs that support them in the jail. Talking especially about mental health, drug and alcohol programs, there are not many at all. It worries me that, when it comes to the assessment, the assessment panel that is sitting there do not really know the community. Are they just a way of reducing recidivism? That is the way it seems to me; and, a couple of months or a little bit later, they are back in there again. It is unsafe for them, and it is not right for them, either, to be going out in the community when there is nothing there for them.

**Ms Nuttall:** If I could speak to a couple of those things—

**THE CHAIR:** Yes; there is a lot there.

**Ms Nuttall:** The numbers that I gave you before related to the reduction in custody for people who are on remand awaiting sentence. What we are seeing is—

**THE CHAIR:** Can you repeat them?

**Ms Nuttall:** The reduction in number of days is a reduction in number of days sitting on remand awaiting sentence. Those figures that I gave you before are not what the final sentence is. We are talking about people who were waiting for over a year in custody, sometimes for offences that would never have attracted that sort of penalty. That is the reduction I was talking about earlier.

As you will remember from the conversation we had with Special Magistrate Hopkins, who sits on the Galambany Court, the process of assessing people looks at whether people are suitable from a whole range of perspectives, including whether they will engage with the panel and whether they will engage with services. At the assessment process, Yeddung Mura attend, and the other service is Feros, which is a disability service, so that we can refer people to programs through the sentencing process.

Often, with the sentencing process, that assessment will happen. The first sentencing hearing will occur, and the person will be required to enter into engagement with those services before their final sentencing date, which allows the court to take into consideration how well somebody has engaged in those rehabilitation programs. It does look at whether people will go down the right path; not everybody does.

**THE CHAIR:** I think rehabilitation programs are working for us, and you were talking about Feros?

**Ms Nuttall:** Yes.

**THE CHAIR:** Are they an Aboriginal program?

**Ms Nuttall:** I do not know the answer to that question, Chair.

**THE CHAIR:** If they are non-Indigenous services, what would they bring to supporting Aboriginal—

**Ms Nuttall:** I will see whether I can get an answer to that; otherwise I will have to take that on notice.

**MS CHIVERS:** Following up on Chairperson Keed's questions, what are the required skills for members of Galambany Court?

**Ms Nuttall:** There is a formal training program that people are put through once they are identified through those expressions of interest. We put in place that formal training. Once that formal training program is undertaken, they are assessed as to whether they are suitable to continue.

One of the main focuses of the court is that it is therapeutic in nature, so it is about the elders also being able to engage with the defendants, and having those skills to engage in a way that will provide an opportunity for people to identify perhaps where they have been going wrong and getting the right supports in place. Those are the sort of skills that we are looking for, for that role.

**THE CHAIR:** Are they therapeutic skills?

**Ms Nuttall:** Not therapeutic as in counselling, but certainly—

**THE CHAIR:** Shouldn't there be some kind of therapeutic care, working with the vulnerable people you are working with?

**Ms Nuttall:** Absolutely, and that is the training that is given to them. It is not a four-year counselling degree, but it is to provide that therapeutic skill. Obviously, that is really difficult work for people to engage in on a regular basis, and we also provide counselling services for those elders, so that they have the opportunity to reflect on their skills as well.

**THE CHAIR:** Do they have support afterwards, if it is needed?

**Ms Nuttall:** Yes.

**MS McGRADY:** If a person presents, hypothetically, with a family domestic violence charge, what are the programs or mechanisms for accountability and rehabilitation?

**Ms Nuttall:** Again, Yeddung Mura attend and provide the services. They will provide those dedicated services to people coming before the court for a range of issues that they might be addressing—use of violence, drug and alcohol, etcetera. I will go back to the previous question. Feros do have dedicated Aboriginal services that provide services to the court.

**THE CHAIR:** But they are not an Aboriginal organisation?

**Ms Nuttall:** I do not think they are.

**MS CHIVERS:** Has Galambany Court been reviewed since it commenced in 2004, in light of the Closing the Gap and ACT agreement targets?

**Ms Nuttall:** Not in light of Closing the Gap. The report that was released in 2020, as I said, went more to a cost-benefit analysis than looking at Closing the Gap, in those figures.

**MS CHIVERS:** In this regard we are probably more interested in the actual targets of Closing the Gap and the ACT agreement.

**Ms Nuttall:** Yes. As I said, at the moment we are restructuring so that we have some skill to do some evaluation of all of the therapeutic courts. You will probably have noticed over the last couple of years that there has been an increase in therapeutic—the way that courts engage with offenders. We are looking at having some in-house skill to evaluate that and make sure that we are targeting the outcomes that we need.

**THE CHAIR:** I have a community question. How does Galambany deal with non-Aboriginal offenders going through the court? Is there a process regarding eligibility? Are they assessed with elders?

**Ms Nuttall:** They are assessed with the elders, and there is a form that people are required to fill out. People are not cross-examined, in a way. The form asks about who your mob are and what your family connections are. That serves a two-part process. One is that the person is of Aboriginal descent; they identify as Aboriginal. They will not always have the Aboriginal community recognition, because a lot of people have been disconnected from family. The other part of what that form is trying to do is to try and get some idea of connection so that, through the court process, people can be reconnected.

**MS CHIVERS:** Can I ask why you refer to them as elders when we know that a number of the Galambany Court members are not elders? Why do you refer to them as elders when they are not elders?

**Ms Nuttall:** That may be my error. My apologies, if that is not the correct term. They are not all traditional owners of Ngunnawal country.

**MS CHIVERS:** I am an elder; but, as I said, knowing people who are members of Galambany Court, I know that they are not what we would classify as an elder, whether it be a traditional custodian or an elder from somewhere else across the country. It does confuse a lot of community when they regularly hear the members of Galambany Court referred to as elders when there is a proportion who are not actually elders.

**Ms Nuttall:** That is something that I am happy to learn more about. It may be that I am using that word incorrectly, or that the court in fact is using that word incorrectly. We are really happy to take that feedback and have a look at—

**MS CHIVERS:** From community, it is about whether there is another way to refer to them or name them et cetera.

**Ms Nuttall:** Perhaps. Without putting words in people's mouths, I can certainly take that back to the court and look at some terminology.

**THE CHAIR:** But isn't that what Galambany was based on—with elders?

**MS CHIVERS:** If that is the case, why has it moved to people who are not elders?

**THE CHAIR:** How long has it been in place; what did you say?

**Ms Nuttall:** 2004. We are coming up to 20 years. I do not know what the genesis of the panel was.

**THE CHAIR:** Maybe, Amanda, we should be looking at another review.

**MR WALKER:** A review is probably one of the things that is warranted.

**THE CHAIR:** I think so.

**Mr Glenn:** I suspect that, if there is looseness in our language now, it would have been worse in 2004. I think we need to take it away and have a look at it properly.

**MS CHIVERS:** Thank you. My next series of questions will be around corrections, and specifically in relation to the AMC.

**Mr Glenn:** I will ask the acting commissioner to come to the table.

**MS CHIVERS:** Has the AMC implemented comprehensive training on racism?

**Mr Aloisi:** Thank you for the question. It would be challenging to say that we have implemented comprehensive training on racism. As was spoken about earlier, we do, like other members of JACS, participate in training around cultural awareness more broadly. We have more generalised cultural awareness training. We also have specific training for correctional officers in terms of the core training that was developed by AIATSI, which we have rolled out to our staff.

**MR WALKER:** We are interested in that, obviously, because of the incident around young TJ. It is not recent, but the incident involved the hangman on the wall. A few years back, we had somebody here who could not answer those questions for us, because some of those questions came from a member of the community about those officers that were involved in that. It was around the introduction of cultural training.

The feedback from people who are residents out there, to the Elected Body and other community members, is around the constant verbal abuse from officers. Obviously, it is not a very safe place for our people who are living out there at the moment. We are interested in any move towards introducing that kind of training for staff. How is that training introduced if you are applying for a job out there? I see the ads asking Aboriginal people to apply for jobs out there. Given some of the feedback and the

comments about the kind of hostility that is in the staffing ranks out there, it is not a very safe place in which to work. By your admission, the whole of JACS want to be an employer of choice option. With the kind of abuse that our people out in the jail are receiving, certainly, people do not want to go and work out there.

We have been asking for a while now about that training, and we do not have a clear answer about any attempt regarding cultural integrity. The ACT government is now adopting the cultural integrity framework, and there is not even any mention of you guys taking that on, in that respect.

**MS CHIVERS:** At our last hearings, in March 2020, when Jon Peach was asked a whole series of questions about the hangman incident et cetera, he did say to the Elected Body that comprehensive racism training would be happening soon. Given that it is over three years later, has it happened? Will it be happening? As Maurice just said, we do not seem to get a clear answer when we ask that question.

**Mr Aloisi:** Apologies if I am misunderstanding. In terms of comprehensive racism training, all I could point to is the training that we do around cultural awareness and the core training which we do, which is specific to corrections, which talks more in depth to the issues that, say, a correctional officer would need to be cognisant of, working in that environment. Those trainings are mandatory for our staff. In terms of the specific core training by AIATSIS, that was rolled—

**THE CHAIR:** Bruno, can we say “Aboriginal and Torres Strait Islander” people, instead of “Aboriginal and Torres Strait Islander”, please?

**Mr Aloisi:** Apologies.

**THE CHAIR:** No acronyms. Thanks, Bruno.

**Mr Aloisi:** I was referring to the institute of studies.

**THE CHAIR:** AIATSIS.

**Mr Aloisi:** AIATSIS, sorry. With the number of staff, I can give you, for example, the numbers that I have at the moment. There are two modules attached to that training. It is online training, I should point out. We have had 206 of our staff complete the first module, and that is at the date of this update. In terms of the second module, we have had 185 officers complete that.

I absolutely acknowledge that there is a lot more work to do, and training is only one element, when you are dealing with systemic racism. It is not just about delivering training, as we know. We need to consider this in the context of broader initiatives across the agency. That includes what we do in terms of workforce recruitment, retention, how we are developing our staff, and how we are growing our Aboriginal and Torres Strait Islander workforce. Those things all tap into it. It is about how we use our frameworks to inform how we develop our policy, making sure that we are consulting with Aboriginal and Torres Strait Islanders and getting that expertise into the development of our policy.

In terms of how we grow our leadership, in terms of Aboriginal and Torres Strait Islanders within our organisation, that is something we are very focused on. Training is one element, but we know that it is not a panacea when dealing with racism. We need to look across the board.

**MS CHIVERS:** Thank you. What is the directorate doing to prevent the increasing numbers of Aboriginal and Torres Strait Islander detainees?

**Mr Glenn:** As we have talked about, there is a range of the programs and initiatives to reduce recidivism but also reduce people entering the criminal justice system in the first instance. It is also worth reflecting that our detainee numbers are actually decreasing over time. We actually have, in real numbers, fewer detainees and fewer Aboriginal and Torres Strait Islander detainees now than we have had in the past.

The proportion of detainees who identify as Aboriginal or Torres Strait Islander has remained reasonably static, but there is a decrease over time. So, while we do not have the data to draw the link between activity and outcome, we are certainly seeing that increase, which is different from what is being experienced in other jurisdictions.

**MS CHIVERS:** Thank you for that.

**Mr Johnson:** I think the one thing to note in terms of the numbers is that, in every jurisdiction, remand populations are going up as a percentage of the normal population—so, at the moment there is not a sentenced Aboriginal woman in custody. There are only remand women in custody. So there is, for me, a body of work we still have to do—as we continue to do—in terms of looking at options for remand, as every jurisdiction is doing.

**MS CHIVERS:** Thank you. How many Elders are participating in the AMC's visitation program, and are they being supported to do so?

**Mr Aloisi:** I would have to take that question on notice, I am sorry.

**MS CHIVERS:** Thank you, Bruno. How has JACS provided information and support to all Aboriginal and Torres Strait Islander detainees at the AMC, and their families, about parenting programs and family case conferences?

**Mr Aloisi:** I can probably speak to a couple of the programs that are run out there in terms of parenting programs. I am just trying to find it. We have the family engagement program, where detainees are given the opportunity to meet in a culturally safe location for a meal gathering with other incarcerated extended family members including kinship relatives and partners. We have the mothers, family and culture program. That is building and maintaining familiar relationships between mothers who are incarcerated and their children. We have the strong fathers program. That builds and maintains familiar relationships between incarcerated fathers and their children, as well. So they are just a few of the programs that are run.

**THE CHAIR:** How often do those programs run, Bruno?

**Mr Aloisi:** I have the frequency here, I believe.

**THE CHAIR:** Are they weekly, fortnightly?

**Mr Aloisi:** It depends on the program. Some are just quarterly; some are biannually, generally during—that is what it has here—during the ACT school holiday periods.

**THE CHAIR:** And they are run by Aboriginal services, delivered by Aboriginal services?

**Mr Aloisi:** It has, yes, “facilitation by Aboriginal and Torres Strait Islander services”—that might actually be referring to our services—and a “contracted service provider,” but we can confirm that.

**THE CHAIR:** You do not know who that contracted provider is?

**Mr Aloisi:** I have not got it on my table, but I can provide that.

**THE CHAIR:** Thanks, Bruno.

**Mr Aloisi:** The other thing I was just going to quickly reference was the family days which we have out at AMC. We run six—

**THE CHAIR:** The one that almost did not happen?

**Mr Aloisi:** Thanks, Tanya.

**THE CHAIR:** That one?

**Mr Johnson:** It was always going to happen. It was always going to happen.

**THE CHAIR:** No, no, no; it took a couple of phone calls for that to happen. Come on. No, that was not going to happen. That was already panned out for something else.

**Mr Aloisi:** Yes; I think the coordination perhaps with the NAIDOC event was probably something that is debateable, but in terms of running those family days, it is something that we have committed to—having two family days specifically for Aboriginal and Torres Strait Islander families, so an opportunity for detainees—

**THE CHAIR:** I think that was just a diversion, Bruno, to take off the big one that was not going to happen.

**Mr Aloisi:** I am not sure if I could comment about that.

**MS CHIVERS:** Can I just ask: how many detainees have actually undertaken these parenting programs?

**Mr Aloisi:** Sorry. I apologise, I will have to take that on notice.

**MS CHIVERS:** Yes, thank you. And how many detainees have participated in case conferences?



**Mr Aloisi:** I apologise again; I will have to take that on notice. I am sorry.

**MS CHIVERS:** My next question in relation to all of that is: how many detainees have regular contact with their children if they are in the out-of-home care system?

**Mr Aloisi:** Again, I would have to try and get that information out of session.

**MS CHIVERS:** Thank you.

**Mr Johnson:** May I just ask, when you are talking about case conferencing, in what context?

**THE CHAIR:** Family group conferencing?

**MS CHIVERS:** Yes.

**Mr Johnson:** Right, yes.

**MR WALKER:** I have just got a couple of questions while we are still on Corrections.

**MS McGRADY:** Yes, I have one, too.

**MR WALKER:** I got a message from a community member, one of our leaders, and she has given the okay to use her name. You are all familiar with her: Julie Tongs. She writes:

Why did Julie have to remove her bra on a personal visit on a Saturday in July, the day before attending a meeting with the Acting Commissioner Bruno, Narelle and Katie and two other attendees? She had the same issue and was let through the door. If that is the way you treat the Elders in our community ...

It is one of those things. We have a leader who is a very important person in our community, a very good advocate for our people in AMC. She obviously was on a personal visit and was asked to have her bra removed to go into the cell. Surely there can be some other dignified way of scanning. Obviously as men, we do not have that problem, but for women there is obviously wiring in some materials, so that is really embarrassing for some of the Elders in our community and particularly some of our leaders. What are you doing to address that?

**Mr Aloisi:** First of all, I appreciate Julie has sent that question to you. I will not talk specifically about Julie's circumstances, but I will answer more generally. I understand the issue and identify that it is an issue that has been raised previously as well. It relates to underwire bras and going through the scanner and the potential need to remove them.

I will point out that people are advised prior to the visit that that is the case. We advise people not to wear underwire bras for that purpose, but appreciate that some people might need to wear them for specific reasons, including health reasons sometimes, and we do make allowances where we have medical certification around that. I think the issue is something that we are reviewing at the moment. As I said, other than the story

you have related, it is something that has been raised with us and we are looking at other jurisdictions and what they do in this space. The reason we do it, obviously, is a security reason—primarily, in terms of what people might conceal—but I acknowledge that it is something that we definitely are reviewing at the moment, because it has been a concern raised.

**MS McGRADY:** So are people aware of that before they go to visit?

**Mr Aloisi:** Yes. My understanding is that when people are attending, particularly they are advised not to wear an underwire bra.

**MS CHIVERS:** Okay, thank you.

**MR WALKER:** I just point out that Julie is a regular visitor to the jail, so people know her by now, surely. It is good that you are reviewing that process. The other question I want to ask is from another community member. Does AMC provide life-limiting-illness or palliative-care workshops, services or programs for care for Aboriginal and Torres Strait Islander people within the ACT AMC? When will you consider this, or are you going to consider this, as a priority moving forward, and ensure that workshop, services or programs can be run to provide culturally responsive workshops and information for detainees?

**Mr Aloisi:** I am not sure if I have understood the question, but that might be something that we would have to discuss with our health colleagues. It would be difficult for me to answer that. My apologies.

**MR WALKER:** Okay, so you will take that on notice?

**Mr Aloisi:** Yes.

**THE CHAIR:** I have another couple of questions. Just going on about Julie—because you are going to follow up on this, anyway—she has been there many times before without that being the case. Why was it not an issue the next day when she went out for the meeting?

**Mr Aloisi:** Yes. I think it is important that the consistency is there. I cannot speak to specific circumstances.

**THE CHAIR:** I have another one here. Why are Winnunga staff treated differently to other staff? Why can other services walk around freely and give detainees paper and string to make cards, when Winnunga cannot even get a Christmas card in without a fight? Just to follow on from the bra, does she need a medical certificate to go in next time?

**Mr Aloisi:** No; I was just saying there might be some circumstances where people, for whatever reason, do not go through the metal detector—they might be wanded—and usually there might be a medical reason for it.

**THE CHAIR:** Okay. That one about the Winnunga staff is a different message, though.

**Mr Johnson:** I would probably say in relation to that that we are now probably six to eight months into what we are calling the Detainee Health and Wellbeing Oversight Committee, which effectively is just Julie's position as the CEO of Winnunga, Kate McKenzie, who is the executive director of a range of letters—I cannot remember what they all mean—and the commissioner of Corrections.

I think we could really pick up those sorts of concerns in that forum, because we really want to make that work. We have had some success recently on some space for Winnunga. That came up in the context of that committee, and pretty quickly we have turned it around. I have just seen a photo of some work being done on a space in Hume Health Centre. So I think we have a mechanism now; I hope we can address those concerns. There should be the committee operating at the really local level, which is a connection between the three agencies to make sure whatever happens, happens consistently and appropriately.

**MS CHIVERS:** I have a couple more questions in relation to AMC. Over the last two years, how many Aboriginal and Torres Strait Islander women detainees have given birth while in custody?

**Mr Johnson:** That might have to be one on notice. There are a couple of women who have given birth. I think they were Aboriginal women, but I would have to take that on notice.

**MS CHIVERS:** Has there been an increase in the number of families engaged with formal parenting and family support services for detainees and on post release?

**Mr Aloisi:** I think that would be, again, one that we would have to take on notice to work out whether there has been an increase.

**MS CHIVERS:** My next question in relation to the AMC is: has there been an increase in the number of Aboriginal and Torres Strait Islander detainees accessing prison-to-work initiatives?

**Mr Johnson:** I would expect there to have been, particularly on the back of COVID, but I could not quantify it.

**THE CHAIR:** Is that program still going?

**Mr Johnson:** Did you ask: is the program still going?

**THE CHAIR:** Yes, the prison-to-work initiative.

**Mr Johnson:** My understanding is that it is still a program.

**THE CHAIR:** I do not think it is active, though, is it?

**Mr Johnson:** I would have to take that on notice. There certainly is a lot of work going into—putting prison-to-work aside—getting people out of custody and into work programs. Whether it is under the auspices of that program or not we could clarify for you.

**Mr Aloisi:** My understanding is it is still going but the numbers are low.

**THE CHAIR:** That is the one where they are outside in that transitional house. Is that the one?

**Mr Johnson:** The transitional release centre?

**THE CHAIR:** Yes.

**Mr Johnson:** The transitional release program is—

**THE CHAIR:** But that is something else now, isn't it?

**Mr Johnson:** No, it has opened. It has been operating. We can give you some material on the numbers that have gone through. I do not know whether we have separated for Aboriginality.

**Mr Aloisi:** Yes. We have 10 people, at the moment—two of Aboriginal and Torres Strait Islander background.

**THE CHAIR:** And for women, there is nothing in the back of your mind for women, or starting up new prison-to-work initiatives for women?

**Mr Aloisi:** In terms of a transitional release, I think there is a bigger conversation about how we look at that, and probably as part of the last budget it might be where we are being funded to have a look at a feasibility study for a masterplan for the AMC. That, amongst other things, will take into account what we are doing around those issues about women and reintegration.

**Mr Glenn:** There is a distinction, though, between people who can access a transitional release centre—a physical building—and those who can go on the transitional release program, and certainly that is available to women. It is the physical location that is different.

**THE CHAIR:** Even the drug and alcohol rehab. What is it called?

**Mr Johnson:** Solaris?

**THE CHAIR:** There is nothing for women in that area is there? There is no Solaris for women.

**Mr Johnson:** There have certainly been drug and alcohol programs run in recent times for women.

**THE CHAIR:** But nothing specifically. That one is where they stay in that little pod, and they get—

**Mr Johnson:** The therapeutic community.

**Mr Glenn:** No.

**THE CHAIR:** The therapeutic community; yes.

**MS CHIVERS:** We have some Emergency Services questions. Following that, we will do the ACT Policing questions.

**Mr Glenn:** I might invite Mr Flynn to come to the table.

Appearances:

Justice and Community Safety Directorate  
Glenn, Mr Richard, Director-General

Emergency Services Agency  
Flynn, Mr Paul, Superintendent, ACT Fire and Rescue

**Mr Flynn:** Good afternoon.

**MS CHIVERS:** Last hearings we may have only had one question. We have tried to make it a bit better this time around so that you are not sitting there, just waiting for one question.

**Mr Flynn:** Sure. Okay. I work with ACT Fire & Rescue, but I am here on behalf of the ESA Commissioner this afternoon. I have read the witness statement.

**MS CHIVERS:** Fantastic. If you find that you cannot answer the questions, please take them on notice. That will be fine.

**Mr Flynn:** Sure.

**MS CHIVERS:** My first question is: how many participants of the IFARES programs completed the training and how many have secured full-time employment in the ACT?

**Mr Flynn:** That is a strange little question. We actually have some that come directly through the IFARES. I will explain the IFARES program, if needed. If not, I will assume that you understand what it is. The IFARES program is run by New South Wales. Some firefighters that we have with us have completed the IFARES program but have still entered Fire & Rescue through the usual community-based recruitment process. Others have come through via the IFARES program—six of them. I believe part of your question was how many have passed, and that would be 100 per cent.

**MS CHIVERS:** How many have secured full-time employment?

**Mr Flynn:** Sorry. Six have been referred through, but I am aware that more than that have done the IFARES program but have come through the usual community-based recruitment. We have around 10 Indigenous firefighters at the moment.

**THE CHAIR:** Ten firefighters?

**Mr Flynn:** Ten Aboriginal and Torres Strait Islander firefighters.

**THE CHAIR:** Wow. In the ACT?

**Mr Flynn:** In the ACT, with ACT Fire & Rescue. That is correct.

**MS CHIVERS:** That is really good.

**THE CHAIR:** Are they fully trained and ready to go?

**Mr Flynn:** Fully trained. They are out there now. They are doing great things with our community. They are engaging a little bit with the parks and wildlife service as well. They have been fantastic.

**MS CHIVERS:** Have you been learning a bit about cultural burns? Is that part of firefighting?

**Mr Flynn:** Not so much Fire & Rescue, but certainly the ACT Rural Fire Service and ACT Parks and Conservation Service, who I am not speaking for, but I will mention that they are doing cultural burns. From within ESA, ACTRFS have been doing cultural burns—I have a little bit of information here—with the Birrigai Outdoor School. They have an experienced Ngunnawal custodian, who is Adrian Brown from Bidgee Brown consultants, who implements the burns, with the support of the ACT Rural Fire Service. Since the initial burn, when they started this, a number of small burns have been undertaken, with the support of the ACT Rural Fire Service. This partnership with Birrigai is now setting the standard for other groups and land managers who are interested in continuing to contribute to cultural land management on their respective properties.

**MS CHIVERS:** My final question is quite a long one, so I will read it out in its entirety, but please feel free to ask me to repeat it, if necessary. As part of the national agreement priority reform 3, how is the ACT government moving towards engaging with Aboriginal and Torres Strait Islander representatives before, during and after emergencies, such as natural disasters and pandemics, to make sure that government decisions take into account the impact of those decisions on Aboriginal and Torres Strait Islander people and so that Aboriginal and Torres Strait Islander people are not disproportionately affected and can recover as quickly as other Australians from social and economic impacts?

**Mr Flynn:** It is a good long question. I would like to take that on notice to give you a good answer to that one because I do not have a good answer for you right now.

**MS CHIVERS:** Fantastic.

**Mr Glenn:** I can give a little bit of context around that. Following the 2019-20 bushfire season, the royal commission into that disaster had a number of recommendations that went to engagement with First Nations people around the impact of disaster recovery and preparedness for bushfires. The ACT has been leading a body of work under that mechanism, which is about land management, effectively. We also have, within our Strategic Bushfire Management Plan, which is the overarching document as to how we manage bushfire risk in the territory, a recognition of the significance of, firstly, Indigenous land management but also the cultural and heritage significance of parts of the ACT that need protection. So that is a dimension.

More broadly, in the community resilience and recovery space, the Security and Emergency Management Division, which sits within JACS, has been doing a body of work around resilience and particularly the domain of recovery and how we better equip our community to be able to recover from disaster, acknowledging that climate change and other issues mean that we are going to confront more of these types of incidents.



That work is continuing, but certainly we would seek to have an Aboriginal and Torres Strait Islander lens over that, as we have for people with disability and people with other vulnerabilities and the particular impacts that disaster may have on them, and the response that community has to support them through the recovery process.

Finally, the Multi Hazard Advisory Committee, which used to be known as the Bushfire Council, is assisting us and will assist us further with that resilience and recovery work. There is a place on the council that is designated for an Aboriginal and Torres Strait Islander member. That position is not filled at the moment. We are seeking, everywhere we go, someone to come on it. I put out the call now: if people are watching and would like to participate in that, that would be great, because that is a really important advisory body to government to talk about how we grapple with some of these issues, and it is currently missing an Indigenous voice.

**MS CHIVERS:** Thank you, and thank you for your responses. We will now move on to ACT Policing. I will just say, as mentioned at 3 o'clock, that we did not have an opportunity to ask all of the questions we had for JACS. The ones that we did not get to we will provide in writing.

Justice and Community Safety Directorate  
Glenn, Mr Richard, Director-General  
Johnson, Mr Ray, Deputy Director-General, Community Safety

ACT Policing  
Gaughan, Mr Neil, Chief Police Officer  
Boudry, Mr Doug, Deputy Chief Police Officer

**Mr Gaughan:** Good afternoon. I acknowledge the witness statement.

**Mr Boudry:** I also acknowledge the witness statement.

**MS CHIVERS:** Thank you. My first question is: how are JACS and ACT Policing working together to implement diversionary programs for the Aboriginal and Torres Strait Islander community?

**Mr Glenn:** I will start with a couple of diversionary programs that are available, including the restorative justice program, under which referrals can come from a number of sources, including ACT Policing and the court and other areas. The other range of issues we have probably canvassed already: things like raising the age of criminal responsibility, addressing some of those issues around bail, and the various therapeutic courts that go to that court front-end process. Otherwise, we have a very strong and collaborative relationship with ACT Policing, particularly through lots of mechanisms, including the justice reinvestment and reducing recidivism government structure.

**Mr Gaughan:** One of the other things we do is through the drug and alcohol diversions. Instead of people going to court for drug or alcohol-related offences, we refer them into the health system. That has been quite successful. There are a number of programs that we deliver there, including the youth and alcohol diversion, the adult alcohol diversion and the illicit drug diversion. We work very closely with the ACT Health Directorate in relation to that. As a result of some changes that are taking place soon in relation to the Drugs of Dependence Act, we are redrafting the ACT Drug Strategy Action Plan 2022-2026, with ACT Health.

During 2022-23 we submitted 184 referrals to the early intervention and drug diversion program. This is including all persons, not just First Nations persons. There would be a percentage of First Nations persons included in that. I think Richard has already spoken about raising the age of criminal responsibility, but also diverting people away from the criminal justice system is something that ACT Policing are very supportive of, as we are in relation to the drugs of dependence amendment bill 2021, which will see people not go through the criminal justice system for possessing small amounts of drugs. I think we all agree that addiction needs to be treated as a health issue. It is not an issue for law enforcement or, indeed, the justice system.

**MS CHIVERS:** In 2021 Michael Manthorpe released a report into the way ACT Policing engaged with the Aboriginal and Torres Strait Islander community. Have all recommendations been implemented, and what is their outcome?

**Mr Gaughan:** They have not all been implemented. Unfortunately, due to things such

as COVID, we got caught a little bit behind. I have subsequently had some conversations with the new Ombudsman, Iain Anderson, in relation to the outstanding recommendations. There are a couple of those I would like to update the committee on today. Probably the main body of work we are looking at is basically solidifying our administrative framework for how we actually deal with First Nations persons.

In June this year I signed an agreement with Education Training Management Perspectives to deliver a strategic plan and subplan, review the role of our First Nations liaison officers and also put in place—which I think is really important—a monitoring and evaluation framework. I know the committee spoke about that earlier today. Stage 2 of that package will look at the same company delivering and evaluating a First Nations cultural literacy program, which is updating what we have been delivering over a number of years. That program will be rolled out towards the end of this year, and throughout next year. We are seeking to deliver that to all of our sworn police officers in the coming years. That should then see all those recommendations implemented.

**Mr Glenn:** I note that the implementation of those agreed recommendations is one of the actions under our phase 2 agreement implementation. It will be tracked and reported through that mechanism.

**MS CHIVERS:** There is an ACT Policing specialist family violence unit that is trained to work with families, perpetrators and victims. How has this group changed the way it works with the Aboriginal and Torres Strait Islander community?

**Mr Gaughan:** I will just give you an idea of how many family and domestic violence cases there are a year. It is really troubling. Last financial year, in our case management system we had just over 4,000 matters that were flagged as family violence. That is across First Nations and the broader community.

Every one of those cases, determined by police officers to be an issue in relation to family or domestic violence, is reviewed by a team of a sergeant and half a dozen constables. They put plans in place to try and manage victims and the alleged offenders to ensure that appropriate mechanisms are put in place to protect the victims but also—and, I think, as important—to manage the alleged offenders, going forward, so that we do not see a repeat of their actions.

I do not have a breakdown in relation to those 4,000 because our system does not allow us to do that. It is something we take very seriously. It is something we are working very closely with our domestic partners on, primarily through the Australia New Zealand Policing Advisory Agency, where we are looking at best practice in relation to how to deal with this really challenging issue. Family violence and mental health probably take up about 70 per cent of our resources, and not necessarily all of these matters result in a criminal charge.

**MS CHIVERS:** Thank you. The ACT Policing website refers to a number of different committees and reference groups. One of those referred to is the Aboriginal and Torres Strait Islander Reference Group. What is the status of that group?

**Mr Gaughan:** It has been a while since it has met. It is basically an advisory group to me. It does meet from time to time. It has met this year, but it does not meet as regularly

as I would like it to. I am happy for anyone here who wants to be involved in that group to put their hand up, and I will send you an invitation. It is not a closed shop; I am very clear on that.

It is basically to provide mostly strategic advice in relation to issues that are affecting their community. It is important that I hear from the community leaders, so that is why I re-established it, but I think it is fair to say, Ms Chivers, that it needs to meet more regularly. As I said, I am more than happy for anyone here to become a member of the committee. I will make sure you get an invite.

**MS CHIVERS:** In relation to that, what is the actual membership currently?

**Mr Gaughan:** It is a couple of senior elders from the Ngunnawal Elders and also a member of the Torres Strait Islander community.

**MS CHIVERS:** As part of what that reference group does, is there any shared decision-making with community?

**Mr Gaughan:** It might seem like minor things, but certainly we had a conversation about how they wanted all of our police stations to have the Aboriginal flag displayed, and we did that. They are not symbolic; they are things to say that we are connected to community. We had some conversations about, during NAIDOC Week, wearing patches on our armbands and putting designs on our police vehicles and things like that. In relation to any cultural training we roll out, it is my expectation that that committee will have an opportunity to review it and say whether or not we are on the right track. So they actually are actively involved in delivering better outcomes for the community.

**MS CHIVERS:** Thank you for that. Since the 2020 ACT Elected Body hearings, what has been the arrest rate for Aboriginals and Torres Strait Islanders in the ACT?

**Mr Gaughan:** I do have some statistics on that. I have the numbers. For First Nations apprehensions from 2018 to 2022-23 there has been a 6.8 per cent increase. For non-First Nations people there has been a 10.2 per cent increase. I might note that we have had a fairly significant population increase during that period, so I would not draw too much of a nexus to that.

I will note that First Nations in the last financial year that I have figures for accounted for 15 per cent of all apprehensions. An apprehension is defined as persons arrested, persons summonsed, persons issued with a court attendance notice, persons criminally cautioned and persons referred to restorative justice. So it is not all people that actually end up in the court system. It does not include traffic infringement notices or cautions for the same type of offending.

What we have seen particularly over the last couple of years is, unfortunately, an increase in crimes against the person but a significant decrease in property crime over those reporting periods, which is a good news story.

**MS McGRADY:** Out of that 15 per cent, what is the rest of that cohort? Is the 15 per cent the highest—

**Mr Gaughan:** In relation to other groups?

**MS McGRADY:** The 15 per cent that you just mentioned being arrested. Was it 15 per cent?

**Mr Gaughan:** Fifteen per cent of all persons arrested have identified as First Nations persons.

**THE CHAIR:** Richard referred to restorative justice. Restorative justice involves participating in a conference and completing the terms of the agreement; then the matter will not be taken any further by police. Is that right? Is that the diversion program that you send them to?

**Mr Glenn:** Yes, as a police diversion, that is the diversion.

**THE CHAIR:** Is that just a one-off?

**Mr Glenn:** That can happen from different parts of the justice system as to whether that is the outcome for the individual.

**THE CHAIR:** There is no long-term diversion program in the ACT, is there, to support Aboriginal and Torres Strait Islanders?

**Mr Glenn:** There are a range of diversions that are available and they have potentially different programs attached to them. That one is through the restorative justice path link. The CPO mentioned some of the drug-related ones, which essentially involve putting people into the health system.

**THE CHAIR:** You have the crime, and there are the drugs. What you said is right: the addiction is a health concern.

**Mr Gaughan:** Correct. There are cautions as well. We come across people that do shoplifting or something like that and we will caution them. Hopefully, that is enough.

**MS CHIVERS:** You were initially appointed as Deputy Commissioner in 2020, just after our hearings that year. On your appointment you said that you would be working specifically on reducing road trauma and recidivism. How has ACT Policing reduced the experience of road trauma for the Aboriginal and Torres Strait Islander community?

**Mr Gaughan:** It is a really good question. Unfortunately, we have not been overly successful, certainly not in the last calendar year. Unfortunately, we had 18 people die on our roads last calendar year, which is about a 300 per cent increase on our three-year rolling average, so it is a terrible statistic.

This year we have had only two fatalities. When I say “only”, my heart does go out to those people who have lost loved ones, and it is a tragedy. A lot of it has to do, Ms Chivers, with education, and getting out there in the community and saying we are doing road policing. Not only are we enforcing the law but we are actually trying to be guardians of the community in relation to the way we treat victims of crime as well as the broader community in relation to the road issue. A lot of the education is outside

policing activity. It is important that schools are involved, and that parents speak to their kids in relation to that.

With road trauma, we all drive on the roads here in Canberra, and I think we have the best road system in the country by far. Two fatalities is too many. The 18 last year was absolutely a tragedy.

**MS CHIVERS:** Following on from that question, how has ACT Policing reduced recidivism in the ACT?

**Mr Gaughan:** Recidivism is one of those challenges. For us, we are almost at the end of the justice system. People come to us, or come into our care, if you like, when they are probably at their worst. The other committee members on this side of the table have already alluded to this: there needs to be substantial investment in things like housing, health and education.

The other thing that, from my perspective, is really important, is that we do a lot of work with Menslink. I do not know whether you are aware of Menslink. We refer young blokes to Menslink that are in a bit of a down spot because they need mentors. They cannot be what they cannot see. It is really important that we work collectively across the entire community to ensure that young kids, male and female, that are in strife, have mentors. If they do not have mentors, they will not get through this system.

One thing that we are all really encouraged by is the fact that the community does take ownership, but I think sometimes it needs to take a bit more.

**THE CHAIR:** Neil, is that the only option? Menslink is not an Aboriginal organisation.

**Mr Gaughan:** No, it is not, Ms Keed. We have SupportLink as well; we can also refer people from SupportLink to other means. There are plenty of non-government organisations across the ACT that can deliver this service. It is really important that a kid who is in trouble can see someone there that has actually had a good outcome in their life; they can look up to that person and they can then seek that person's mentorship. I do not think you can underestimate the importance of mentors. I think it is really—

**THE CHAIR:** I do not downsize them at all, but when you are looking at it from a cultural perspective and being culturally safe, and when you are going through the crime, you are misplacing community. It is about having a culturally safe and appropriate service and placing them back in the community safely. I know that Menslink does not have any Aboriginal workers over there, but there must be other Aboriginal services that can do something similar.

I do not question Menslink. I have not had much to do with Menslink, but you hear a lot of good stuff coming out in that regard. It is like when they were talking about building community and not prisons. When they go to the AMC and have a conversation with the detainees, they will tell you that they come out and there is no community. How is that going to work? If you are going to culturally place somebody safely and appropriately back into community, there has to be some kind of safe way to do that—whether it is through Menslink, and having Aboriginal workers there, or

through another Aboriginal organisation that works closely with them.

**Mr Gaughan:** I agree with you. It is probably an issue for government to determine. We are slowly increasing our small numbers of First Nations people in ACT Policing. I think we are up to 22 sworn officers now. That is people carrying guns. They are seen by young kids in the community as someone to look up to. They are role models; they are mentors. The more young First Nations people I can get into my workforce, the better. I think that is really important—and more women.

I might ask Doug to talk to you about a program on which we are working with New South Wales Police in trying to achieve that. I know the fireys have a system where they go through a bit of mentorship. I think it would be worth the committee hearing what we are trying to do to attract more young men and women to Policing.

**Mr Boudry:** I might go back to that question about getting mentors. There was a comment about the on country program, and trying to bring kids who were at high risk into a culturally safe environment, and trying to get ahead of the issues before they come to notice of police. That is where we are trying to work with JACS in a joint way on the program to try and make sure that we get ahead of the game rather than just respond to the actual issues.

In terms of what the Chief Police Officer was talking about around IPROWD, essentially, that is a wholly First Nations program that is a joint initiative with New South Wales TAFE and ourselves, as the Australian Federal Police, and New South Wales Police. At the moment we have a program going through. We have 19 kids on that. They were out at Winchester this morning. All of them have passed so far.

The interesting thing about all of those kids is that the majority of them have said they want to come to the ACT. When you look at where they are from, they are from all over New South Wales, but they see community in the ACT as somewhere they would actually like to come to.

We are trying to drive—and we will be talking to the Elected Body about this particular issue going forward—how we encourage kids from the ACT to join that program as well, so that they get all of the benefits of preparing themselves for joining the police going forward. They get to almost “try before you buy”; also, it gives them qualifications to be able to join the police or, at the end of it, they might say, “No, that’s not for me,” and take another path, but have a qualification.

**Mr Gaughan:** That course has been run out of Queanbeyan TAFE, so it is right over the border.

**THE CHAIR:** I might go for a sticky-beak.

**Mr Gaughan:** Doug, you were one of the mentors, weren’t you?

**Mr Boudry:** That is correct.

**Mr Gaughan:** We will keep very close contact with those kids and try and get a few over here.



**Mr Boudry:** Our First Nations liaison officers are heavily linked into that program. It has been very successful for us so far.

**THE CHAIR:** Is it Graham?

**Mr Gaughan:** Graham.

**Mr Johnson:** In terms of that connection, too, we talked earlier about the intensive case management program. As that started to shape itself up in conversations, it looked more like a mentoring model. This is where, again, there are opportunities in the community corrections space in what we could do with policing to help divert people from a return. We accept that it is unfortunate that they are there the first time, but what else can we do to stop them coming back? That is an ongoing conversation in terms of partnerships between JACS, broader Corrective Services more specifically and Policing.

**THE CHAIR:** I like partnerships. There are too many consultations.

**MS CHIVERS:** My next question is: are family members contacted when juveniles are arrested?

**Mr Gaughan:** They are. Sometimes family members are not available, so there are other people that come in and look after the kids.

**MS CHIVERS:** How many times have the Interview Friends been called in the last 12 months?

**Mr Gaughan:** I will have to take that on notice.

**MS CHIVERS:** Thank you. What is the process if you cannot get in contact with an Interview Friend?

**Mr Gaughan:** I will have to take that on notice, to be sure. Most of the time we would get someone else who is independent to sit in on the interview. I will take it on notice, to be sure. It has been a while since I have actually done a recorded interview—probably over 20 years.

**MS CHIVERS:** I am assuming you will take this next question on notice as well. Can you provide data per station on the number of arrests, and the number of calls to Interview Friends?

**Mr Gaughan:** Whether we can provide data by station, I am not sure, but we will definitely have an overarching number. Yes, we will take that on notice.

**MS CHIVERS:** Could you explain how the domestic violence responses have been adjusted to be culturally responsive, and how do you actually ensure that this is occurring?

**Mr Gaughan:** That goes to some of the training issues that I have already mentioned. It is very similar to what Bruno spoke of with corrections. There is mandatory training

culturally in relation to things such as that. The other thing is that all of our new recruits that come through the college are spoken to by our First Nations liaison officer, Graham, and his team, to ensure they are aware of cultural sensitivities in relation to dealing with First Nations persons. It is an ongoing education thing, obviously.

We turn our workforce over fairly quickly. We do lose a lot of people to the rest of the organisation, the rest of the AFP. We probably lose about 20 per cent of our workforce every two years. Getting people through the recruit training process and then through that cultural awareness training does occur quite regularly because it is a fairly new workforce. Obviously, the new training that I have spoken about previously that will be rolled out will also help. I do not know whether Doug wants to add anything further.

**Mr Boudry:** In terms of the training itself, everybody in recruit training now goes through cultural awareness training, which is fairly generalised. We are starting to work through how to make that more specific to community. If we look at members coming into the ACT, it needs to be community-specific. When we are operating in Jervis Bay, we have the Yuin mob down there; we need to be more specific to their community and how that community operates and functions. At the moment this is where we need to have that consultation through ETMP to help build that training to make sure it is far more specific for the needs of ACT Policing and the community.

You also asked about family violence, and how it becomes more culturally sensitive. In May 2023, this year, our First Nations liaison officers commenced a pilot with the family violence and victims of crime portfolio in the ACT. That was a multi-agency family violence case tracking and family violence safety action planning program. The First Nations liaison officers were trying to inject the cultural competency into how that planning and the responses to that actually occurred. The feedback from that pilot so far has been pretty positive.

**MS CHIVERS:** The community have been really disappointed by the fact that the community forums that ACT Policing had been having and that were originally put in place by Justine Saunders have dropped off and are not occurring. The community are quite disappointed by that. From a community perspective, my question is: are you looking to re-establish those and within what time frame?

**Mr Gaughan:** We will be. They dropped off as a result of COVID, I think. We did a couple when I became CPO; then we had COVID. We did an online forum. I do not know whether you were aware of that, but I did a specific online forum for First Nations people.

**MS CHIVERS:** Yes.

**Mr Gaughan:** We have not got around to it. We need to do it, and I am happy to work with you on that. We will take that as an action item, Chair, to work with Ms Chivers in relation to re-establishing that. It is something that is important for us to do as well. Our members quite enjoy it.

**MS CHIVERS:** I am sure the community that are watching will be very happy to hear that.

**Mr Gaughan:** We can make that happen pretty quickly, too. Once it warms up a bit, we can start to roll those out at the police stations. Mr Walker, I am not going out in the freezing cold!

**MS CHIVERS:** That is my last question. Do members have any other questions?

**THE CHAIR:** I have a quick one from the community. “Ask why they don’t pick up our mob when they breach parole instead of putting them under surveillance and letting them run out control, then sending them to prison for years, not months.”

**Mr Gaughan:** I suppose we act on breaches of parole as soon as we get the opportunity to do so. It might surprise you that people that breach parole probably do not want to be found, and they do tend to leave the territory. We certainly do not allow them to stay at large in the community. We try to apprehend them as quickly as we can; noting, of course, that many do go into different jurisdictions, and that sometimes creates some challenges.

**MS McGRADY:** I have a question about your cultural awareness training. How is that delivered in the Australian Federal Police?

**Mr Boudry:** At the moment, in terms of the training we have been doing in ACT Policing, it has very much been done face to face. We have face-to-face training. That opens up far more conversations around issues pertaining to First Nations people. We also have online aspects of training that can be delivered. Obviously, with a 24/7 workforce, and making sure that that training is available to members in an online capacity when they might not be able to do it face to face, is—

**Mr Gaughan:** It is done by Oryx. I did some awareness training early this year or late last year that really opened up my eyes to a couple of things I had not considered. We made all of the inspectors and above do that; so everyone does it—not just the junior officers—because we can always learn more. I got a lot out of that one.

**MS McGRADY:** I have a closing comment, while you are at the table. It is absolutely respectful for us all to remember these reports: *We don’t shoot our wounded*, the Royal Commission into Aboriginal Deaths in Custody, the *Bringing them home* report, the Moss review et cetera.

There are solutions that have been talked about, over and over. With the Royal Commission into Aboriginal Deaths in Custody, how old is that? With those 339 recommendations, at the end of the day, they are recommendations. We need to pay respect to those reports, and to the people that, sadly, through their passing, have provided those statistics which are quite sad. I think we can do better in this space, and I think we can learn and not reinvent.

Learn from these recommendations; really take on the recommendations. It is not about choosing one recommendation and then saying, “No, we don’t want to choose that one.” It is important to respectfully think of these reports, and of the people that lost their lives while providing those reports to us. It is always on our minds and in our hearts. We do not want to create second volumes of these reports.

I just wanted to make that comment, because I know we all hold these reports very dearly, as do community nationally. Thank you.

**THE CHAIR:** Witnesses have suggested that they need to meet with community for solutions. We would say our agreement sets the direction you need. We have literally been consulted to death. If you need ideas, we suggest you review the recommendations of the Royal Commission into Aboriginal Deaths in Custody, the *Bringing them home* report, the Moss review, and any of the dozens of Winnunga newsletters. We have spoken; we have been clear. You need to properly listen and act on what we have said. Thank you.

**Mr Glenn:** Thank you, Chair.

**MS McGRADY:** Thank you very much for attending.

**THE CHAIR:** Thanks for coming, and for your words.

**The Elected Body adjourned at 4.25 pm.**



**ABORIGINAL AND TORRES STRAIT ISLANDER  
ELECTED BODY**

**TRANSCRIPT OF EVIDENCE**

**Members:**

**MS TANYA KEED (Chairperson)  
MS PAULA McGRADY (Deputy Chairperson)  
MS LYNNICE CHURCH  
MR MAURICE WALKER  
MR JACOB KEED  
MS JO CHIVERS**

**CANBERRA**

**WEDNESDAY, 16 AUGUST 2023**

**APPEARANCES**

<b>Community Services Directorate.....</b>	<b>215</b>
<b>Major Projects Canberra .....</b>	<b>293</b>
<b>Transport Canberra and City Services Directorate .....</b>	<b>265</b>

## The Elected Body met at 9.28 am.

### Appearances:

#### Community Services Directorate

Rule, Ms Catherine, Director-General

Wood, Ms Jo, Deputy Director-General

Windeyer, Ms Kirsty, Coordinator General, Domestic, Family and Sexual Violence

Borwick, Ms Ailsa, Executive Group Manager, Corporate

Perkins, Ms Anita, Executive Group Manager, Communities Division

Evans, Ms Jacinta, Executive Group Manager, Strategic Policy Division

Lapic, Ms Silvia, Executive Group Manager, Deputy, Children Youth and Families

Aigner, Mr Geoff, Acting Executive Group Manager, Housing Assistance Division

Sabellico, Ms Anne Maree, Executive Group Manager, Children, Youth and Families Division

Moyle, Mr Brendan, Executive Branch Manager, Office of Aboriginal and Torres Strait Islander Affairs

Simpson, Mr Christopher, Executive Branch Manager, Aboriginal Service Development

Summerrell, Ms Jessica, Executive Branch Manager, Support Services for Children

**THE CHAIR:** My name is Tanya Keed, and I am the Chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all the members of the Elected Body and would like to introduce them now: Paula McGrady, Deputy Chair with portfolios for Transport Canberra and City Services, ACT Health and our representative on the Coalition of Peaks; Maurice Walker, member with the Education and Community Service portfolio; Jo Chivers, member with the Justice and Community Services portfolio; Deanne Booth, member with the Major Projects Canberra portfolio.

The Community Services Directorate holds a critical place in support for our community, with a diverse portfolio that includes housing, child protection, the Office of Aboriginal and Torres Strait Islander Affairs, youth justice, and the family hub. Over the last four years, our community have worked hard through the Our Booris, Our Way Implementation Oversight Committee, and with Aboriginal and Torres Strait Islander staff internal to CSD to see these recommendations thoroughly implemented.

Today, we do not want to hear that it takes time for change. Four years of implementation and two years in review is enough. We have been patient enough. Our patience has run out. Our families are hurting, and our children are being removed at a higher rate in the ACT than six other jurisdictions. How is it that recently the Productivity Commission has shown that in 2022, the rate of Aboriginal and Torres Strait Islander children aged 0 to 17 years in out-of-home care was 56.8 per 1,000 children in the population? In the ACT, with a small population, no remote areas, and strong health and education infrastructure, our rate was 70.8 per 1,000 children in the population. Do not explain this away with small sample sizes or data inconsistencies. This is an appalling result, given the extensive efforts to ask whether we are expending this effort in the right areas and in the right ways. We would be interested to hear how CSD intends to meet the National Agreement target by 2031—reduce the rate of overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home



care by 45 per cent—differently than we are today, because today is not working.

Housing is another key area where we are frustrated by the lack of tangible progress in some areas that support reunification of our communities, either from AMC or in recovery from addiction. We understand the housing constraints at a territory level, but we need more focus on joining up the services between one government directorate and the next. Relationships between the community and the directorate are inconsistent—sometimes rapid, responsive change occurs; sometimes it is slow and appears to elevate individual community voices and not benefit the community as a whole.

Any questions that we have left at the end of the hearings will be released as questions on notice. There are a lot of questions to get through with CSD today, so let's get going. Please could all witnesses who give evidence during the hearings acknowledge the witness statement for the record. Also, we will be taking community messages or questions.

I would like to invite the Director-General, Catherine Rule, if you are making an opening statement before commencing the questions, to please limit the introductory comments to two minutes.

**Ms Rule:** Thanks, Chair. Good morning, everybody. I am Catherine Rule, Director-General, Community Services Directorate. I have read and acknowledge the privilege statement. I do not intend to make an opening statement. I am happy to get into the questions, Chair.

**THE CHAIR:** Thanks, Catherine. I will now pass to Member Walker to continue the questions.

**MR WALKER:** Good morning people, and thanks for coming along today. We will start with some generic questions around the priorities reform. The first question in the priority reform 1 is around partnerships and shared decision making. How is the directorate working with the community to share decision making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community?

**Ms Rule:** Thanks for the question. I think there are a few things. I am happy to talk in more detail about any of this, but I will make some introductory comments and pass to my colleagues to fill in some gaps, as well. There are a number of partnerships that we as the CSD are either responsible for in our own right or manage on behalf of the ACT Public Service—for example, the work that we do with you as the Elected Body. I think that has been a challenging space, and we have had some pretty robust conversations with all of you about how we best support the work of the committee, and we have made some additional investment in bringing in some resources, but I do think there is further work to do about the sustainability of the Elected Body. We have got an audit report, which I am sure we will get to at some stage in this hearing, that raises questions about the amount of time that the Elected Body is funded for. I think we have a role to advise government about how we can best set the Elected Body up for success, so I think that is a key partnership.

We have a number of other bodies that we work really closely with. The Our Booris, Our Way committee and the United Ngunnawal Elders Council are just some examples

of organisations that we work with. Then there is the next layer, which is about ACCOs. Again, I know you will get to some specific questions about ACCOs, but that is an area where we want to drive harder, and are driving harder, than has been the case before. We have made some decisions in the last year about setting aside some dedicated resources to have a team whose job is to work on ACCO development.

That work started quite narrow, around ACCOs in the child protection space, but as soon as we started to get into, “How do you support the ACCO sector in the ACT?” it became apparent that that is much broader than just child protection; that for ACCOs to be viable and to deliver a good service in conjunction with the community they need to be broader than the quite narrow remit of child protection, and most of them are choosing to deliver a broader range of services than just one thing. So the work that we are doing on ACCO—developing the sector; working with the sector to develop—has been broadened out much beyond child protection.

**THE CHAIR:** Can I just say that none of these are partnerships as defined by the National Agreement.

**Ms Rule:** Sorry, say that again, Tanya?

**THE CHAIR:** None of these are partnerships as defined by the National Agreement.

**Ms Rule:** I went and had a look because I know you have asked this question of other directorates. I think some of them are partnerships—particularly the Elected Body. I think there is a clear framework around what you are responsible for, what government is responsible for, and how we will work together. The resourcing is there. My view—and I am really happy to hear a view if you have a different one—is that the Elected Body actually is a partnership in accordance with what the National Agreement is. The Our Booris, Our Way committee is probably in that same category, but, again, I am happy to have a discussion about that. Some of the work that we are developing—I think the ACCO stuff is not there yet, but that is where we need it to get to—is so that they become the partnerships that help us to meet those targets under the agreement.

**MR WALKER:** Just to follow on, obviously we talked about how many; maybe in the future that could be defined a bit more around if and when we are developing true partnerships in decision making with community organisations.

**Ms Rule:** Yes.

**MR WALKER:** Partnerships: how do you resource them, and is this information publicly available?

**Ms Wood:** I think if we think about the key, large—

**MR WALKER:** Sorry, can you say who you are and if you acknowledge the statement, please.

**Ms Wood:** Sorry, Maurice. I am Jo Wood, Deputy Director-General, Community Services Directorate, and I acknowledge the privilege statement. There are the key major formal arrangements that Catherine has spoken about, and obviously the ACT

Aboriginal and Torres Strait Islander Agreement, which is our key overarching partnership agreement that guides all of our work. I think the ways that we support the partner side of the Elected Body—that is what you are asking: how do we support the actual partnership side of it?—through the secretariat arrangements are reported in our annual report. Our support for Our Booris, Our Way secretariat and Ngunnawal Elders secretariat is also reported in our annual report. Whether it is reported in the right way and whether people want different information and different transparency, we are always open to feedback on that.

**MR WALKER:** Do you want to add anything?

**Mr Moyle:** If I can. I am Brendan Moyle, Executive Branch Manager for the Office of Aboriginal and Torres Strait Islander Affairs. I acknowledge the privilege statement. I would also like to pay my respects to the traditional custodians of the land on which we are meeting today, the Ngunnawal people and other families and mobs that have ancestral connections. I also pay my respects to all of us Aboriginal and Torres Strait Islander people who have called Canberra home for quite some time.

I want to concur with what Catherine and Jo have said. The Elected Body is the only body of its type in Australia. In terms of formal partnership, the ACT agreement actually provides, again, the only kind of partnership of its type since 2008 anywhere in Australia. To the resourcing question: obviously the Auditor-General's report did make note of more appropriate resourcing. At this point in time—as Jo has said, we do publish the information—the Elected Body previously has been funded to about \$385,000 per year through ATSIAs budgets, but we are actually looking to increase that. We are currently in line with the Auditor-General's report and looking at how we can support the resourcing to ensure the improved efficiencies and independence of the body.

Part of that is through an independent secretariat. Part of it is about making sure that the actual body members themselves have sufficient time and resources to be able to engage with the community, but also work in partnership with the government, particularly around the implementation of the action plan, working with directorates specifically—

**MR WALKER:** Thanks, Brendan. Sorry, mate—

**Mr Moyle:** That's all good.

**MR WALKER:** I know this is important information, but we are going to get to the Elected Body and hopefully we will have some more focused questions around that detail—

**Mr Moyle:** Absolutely.

**MR WALKER:** —and we would love to have that then. We have the rest of the morning, and the example of the last couple of days has shown it has been really hard to get through the generic questions and get to our community questions as well. The next question was about three examples of how you participate in shared decision making with the community in line with the responsibility of the ACT agreement. Can

you give a few more examples? How was this decision making formalised and to what level, if any, was it funded?

**Ms Rule:** I will not talk about Elected Body anymore, because we will go there a bit later, and I think you understand how all of that works. I think the example I talked about was Our Booris, Our Way. There is a formal report to government and agreement from government that they will convene an implementation committee. There is an implementation committee, as you know, Maurice, and we meet with that implementation committee every month. At least Jo or I attend—sometimes both of us—and many of my colleagues in the room. So it is at a senior level; we are not sending our junior staff along.

I think the governance of that body has really matured of late to be really robust conversations about how we can improve the child protection system in line with the recommendations of Our Booris. A bit like the Elected Body, there is a secretariat, there is remuneration to the members and there are a whole range of supports that we provide, and we are increasingly engaging with that body around how we can provide better data, and how the governance can work in a more streamlined way—a whole range of things. Certainly, the feedback from Our Booris, Our Way has been that that relationship has improved substantially over the last year and that we are making some really good inroads. So there is still work to do. That is another example.

The third one that I mentioned earlier was the work that we do with the UNEC, the United Ngunnawal Elders Council. We work closely with them as well—not only providing a secretariat, but by engaging with them on a range of issues that are relevant to them as an organisation.

**MS CHIVERS:** Can I just ask in relation to UNEC: can you provide a specific example of shared decision making, given that that was the question Member Walker asked about—examples of shared decision making?

**Ms Rule:** Yes.

**MS CHIVERS:** You have kind of mentioned that they are the ones, as your examples, but you have not actually specifically said how that shared decision making occurs.

**Ms Rule:** Sure. For UNEC—and I am happy for others to jump in—the example that springs to mind is some of the work that we have done around the healing and reconciliation fund. Some of the expenditure under that fund has been in close consultation with UNEC or its members.

**MS CHIVERS:** Consultation is not shared decision making.

**Ms Rule:** No, I agree with that, but we have worked closely with UNEC to shape how some of that work will happen. I would suggest it is more than consultation, but it is not comprehensive in terms of UNEC. I think with the Elected Body and with Our Booris it is much more mature, but I do not think we are quite there with UNEC yet.

**Mr Moyle:** I would add that CSD provides the functionality and the secretariat support for UNEC. We do not necessarily control the engagements. So we actually facilitate

some of that across other directorates. In our role—particularly in terms of the partnership arrangements that have been supporting, for example, the environment portfolio and how they engage and actually share decision making—right now, there is a review of legislation, particularly cultural heritage legislation, and, from my understanding, that directorate has been starting to look at how they strengthen shared engagement processes or shared decision-making processes with that. Our role within that is to provide a mechanism to be able to facilitate that.

**MR WALKER:** I do not think they made the position clear about shared decision making with the ACCOs that they work with. Going on to priority reform 2 around building the ACCO sector, you mentioned a few, but how many local ACT-based ACCOs have you worked with in the last two years? Who are they? How have you helped existing ACCOs to grow and how are you progressing the transition, if any, of services to Aboriginal and Torres Strait Islander community-controlled organisations?

**Ms Rule:** Thanks, Maurice. This is an area of developing work for us. When you ask how many ACCOs have we worked with and which ones, I would say all of them. Chris will be able to list the specific organisations that we have worked with, but as I said in my opening comments, as we started to push harder on the work with ACCOs in the child protection space it became apparent that we had to go broader than that, and that the ACCOs wanted to be broader than that, and so the work that we have been doing has gone beyond child protection and now we talk about it as human services.

All of the ACCOs that are currently working in the human services space we are working with; and organisations that are aspiring to get into that world we are also working with. Those arrangements are different for different organisations. We can detail some of those in terms of funding agreements and bits of work that have transitioned to ACCOs, but I would expect that by the next round of hearings we will be much further advanced. We are working really hard on this. We are investing. There are funds available in child protection, in domestic and family violence, and in a whole range of our policy areas, which we should start to see flow and support ACCOs to be making the decisions in various programs that we deliver. I might pass to Mr Simpson to give you some of the details about the ACCOs that we have worked with.

**Mr Simpson:** Thank you, Ms Rule. I also acknowledge the chair and pay respects to members. I also acknowledge the privilege statement.

*Mr Simpson spoke in language—*

I am Christopher Simpson and I am come from Wakka Wakka country. I have called Canberra home for the last 13 years, and I pay respects to Aboriginal and Torres Strait Islander people that are gathered here today. With regard to Aboriginal service development, I am the Executive Branch Manager for Aboriginal Service Development in the Community Services Directorate, particularly delivering against priority reform 2. We are working with establishing and maturing a genuine partnership and relationship with our community-controlled organisations, noting some of those organisations have been established for more than three decades, and acknowledging the great work that they have been doing, but also acknowledging some of the past relationships and legacy items that they have had with various directorates and forms of government. But we are really embedding that true partnership and a relationship approach with those

organisations and understanding their aspirations and goals.

As the Director-General mentioned, they were starting off on a very narrow focus with regard to a child protection response, but noting the intersectionalities in the variety of work that our ACCOs do across portfolios, across directorates and providing that wrap-around service for our community organisations and also seeing that they are a key stakeholder in delivering our culturally safe trauma-aware and healing-informed services and actions.

I talk about “trauma-aware”, “healing-informed” based on the Healing Foundation’s definition of trauma-aware and healing-informed processes and practices. These are some key outcomes, as acknowledged in the priority reform areas for achieving our Closing the Gap commitments, but this needs to be done through a partnership approach, and we need to develop some of those relationships as we mature along there. Some of the early wins or early things to acknowledge with our partnership since the branch was incepted in January this year has been the transfer of over \$11 million into the community controlled sector which is including the \$9 million into Winnunga. We have done \$1.7 million into the domestic, sexual and family violence space, working with for community controlled organisations. Previously, we had zero ACCOs and zero investment delivering against that there.

**MR WALKER:** Can you name those?

**MS CHIVERS:** I was just going to say the same thing. Whilst the Elected Body members may be aware of who some of the ACCOs are, we are being livestreamed, and we do have a lot of community who are watching, so can you please name them?

**Mr Simpson:** In regard to naming those, we have Yerrabi Yurwang delivering services. We have, through an auspicing arrangement, Clybucca Dreaming and SEARMS delivering a service. We have Yeddung Mura delivering a service. We also have Sisters in Spirit delivering a service with regard to that.

**MR WALKER:** Excluding the housing organisation or the proposed housing corporation, what new community-controlled organisations have you been assisting to be established?

**Mr Simpson:** Thank you for the question, Member Walker. We are working with our organisations, noting that some are in their infancy. We have recently met, and during my last six months it has met with Sisters in Spirit to understand their goals and aspirations, noting that they did launch a few years ago. I am also working on understanding opportunities, and working with the EveryMob, which is a new organisation which is working in partnership with EveryMan to work in a community controlled capability and capacity. And we have regular meetings with them to understand that.

I also meet with the newly established boards to understand their aspirations and what governance requirements are required, and provide that conduit into those developments and those services to ensure we have good governance process. I also link in with the regulations assurance and quality branch to ensure a healthy organisation to provide those support mechanisms, so we have sustainability and



viability, but also deliver against their aspirations and goals.

**MR WALKER:** Thanks, Chris. We move onto Indigenous procurement policy. What is the number and value of contracts that you have that support Indigenous procurement policy?

**Ms Rule:** Procurement or recruitment?

**THE CHAIR:** Procurement.

**Ms Rule:** It just so happens I have been looking at annual report content for the not-yet-published annual report for the previous financial year, but this is an area where we need more effort. Our reporting for the next financial year will show that just short of one per cent of our procurement is Indigenous procurement. The target is two. We are at one; we need some more work on that. But I will ask Ms Borwick to provide some more details on the value of that procurement.

**Ms Borwick:** I am Elsa Borwick, Executive Group Manager, Corporate. I would like to acknowledge the traditional owners of the lands on which we meet today and acknowledge the privilege statement.

Our annual procurement is \$899,721. This is our spend. One of the features of CSD is that about 75 per cent of our spend that is counted actually goes to a single contract in relation to our repairs and maintenance in housing. That limits our ability to leverage that at this point in time, but we continue to work through it, and we have seen substantial growth over the last couple of years in our addressable spend.

The sorts of areas where we are seeing spends is in everything from social media content and function room hire, through to recruitment, consultancies and labour hire areas. They are the sorts of areas that we are spending on. Did you ask about which specific organisations?

**MR WALKER:** We did not really ask that. I just asked what the number is and value of your contracts? And I think it is not that high, obviously. What are the requirements within the contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander people?

**Ms Borwick:** Can I just be clear, too, with the count of the Indigenous procurement policy targets, it does not include grants. So for us, it looks like our spend with Indigenous businesses is really low. There are really specific criteria in relation to that spend, and it really undersells the growth that we have seen in our grants activity. So I just need to separate that out, because the addressable spend that we reported on—

**MR WALKER:** It would be something that the community would like to know. For now, if that is something that you want to include in the report the community would like to know the total expenditure on Aboriginal and Torres Strait Islander people in the community. Whether it be a grant or a contract for service, we would like to know that, because the next number of questions is around that participation of Aboriginal people and the requirements that you would put into a contract around making sure that a company employed Aboriginal and Torres Strait Islander people.



So what are the requirements within the contracts and grants that require specific outcomes, obviously in relation to our priority reforms around making sure that Aboriginal people are contributing to their own economic and wellbeing status by being offered opportunities for employment and otherwise?

These questions are directed at that, I guess, because we have heard over the last couple of days how well the ACT government is not doing. So we just need more specific goals with it, because if you are going to set up a contract, then, from the Elected Body point of view, the procurement policy is about asking that company for Indigenous involvement.

**Ms Rule:** Maurice, I can talk about two different contracts where I think we have done well. The first one is the Total Facilities Management contract, which is basically the contract that does all of the maintenance for public housing. It is the second biggest contract in ACT government. It is roughly \$80 million a year of expenditure in public housing services and maintenance.

That contract does have specific clauses around employment of staff from diverse groups, including Aboriginal and Torres Strait Islander employment. I have not been able to get a copy of the clauses, but I am happy to provide that to the committee. We do require that that service provider reports regularly on their performance against that. Again, I am happy to provide some data.

What I am not 100 per cent sure of is how far I will be able to disaggregate that data because we do not collect it. It is collected by the service provider. It is absolutely in that contract, which, as I said, is the second biggest contract in ACT government. It differs from contract to contract, depending on the arrangement.

The other significant contract we have is the contract with ACT Together in the child protection space. Again, we work with them about cultural awareness, diversity and employment. I will look at that contract to see whether there are specific clauses. Certainly, we have been working with them on understanding their level of Indigenous employment, particularly in that service, where it is critical that they have cultural awareness and understanding, and that they have Aboriginal and Torres Strait Islander staff involved in delivering services to the families who are in that out of home care system.

**THE CHAIR:** The contract you have with ACT Together, is that to employ Aboriginal staff there?

**Ms Rule:** No. We effectively outsource, if you like, services to ACT Together in the child protection space. As you know, we work very closely with them. We actually contract them to provide a service.

**THE CHAIR:** Are they providing a service?

**Ms Rule:** They are. All of the services in the out of home care—

**THE CHAIR:** I know about the out of home care, but with Aboriginal workers?

**Ms Rule:** As I said, I do not have the exact contract clauses around that, but I am happy to pull them out and provide them to the committee, along with a bit more information about how we work with them on their employment of Aboriginal and Torres Strait Islanders.

**THE CHAIR:** Some of the information that we have received from community is that they outsource a lot from Sydney. There is a Sydney Aboriginal service that comes down a lot and talks to them about cultural things. I think that needs to be—

**MR WALKER:** Yes, that is the case.

**Ms Borwick:** Member Walker, can I add something? Some of the discussions that you would be aware of in the Our Booris, Our Way committee around this particular topic has led to some actions for us. We have gone back to Procurement ACT to talk about some of the issues raised around the demonstration of the spend and the criteria within that. They are reviewing their policies at the moment in relation to the Indigenous procurement policy. We have been able to feed that in. That feedback that we continue to get through those forums is really helpful for us in identifying what needs to be displayed to community.

**MR WALKER:** Catherine, could you take that question on notice?

**Ms Rule:** Yes.

**MR WALKER:** What are the requirements within contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander people? What are the specific requirements that a non-Aboriginal and Aboriginal organisation must have to guarantee services' access to community? The second part of that question is: what are the specific requirements that an organisation must have regarding Aboriginal and Torres Strait Islander staff within their organisation? Also, is there any representation on their boards, and how do they procure the services?

**Ms Rule:** Yes. I am happy to do that. Do you want that for all contracts? We have a lot of contracts. Is it just the big contracts for service provision, like housing maintenance and out-of-home care? I am just trying to understand how broad you would like us to go.

**MR WALKER:** As I said before, the community would be interested in some of the investment in our community; I would ask that for all services for Aboriginal and Torres Strait Islander people; particularly if you have organisations that are non-Aboriginal organisations that do not have Aboriginal employees that are offering services to Aboriginal and Torres Strait Islander people. That would be good.

**Ms Rule:** Yes, I am happy to have a look at that. I am told that there are specific clauses in the ACT Together contract around this. Certainly, especially for those two, which I think are two of our biggest program areas, we will pull all of that information together and try and give a picture that answers the question that you have asked.

**MR WALKER:** Next question: how are you engaging with Aboriginal and Torres

Strait Islander businesses?

**Ms Rule:** Again, that is a broad question. We have increasingly been working with Aboriginal businesses on key initiatives like the work with the Elected Body, similarly with work with UNEC, and some of the support to Our Booris, Our Way, where we as an organisation have not had the capacity or the expertise necessarily to provide that support to various organisations. Over the last year there have been a number of times where we have contracted with Indigenous businesses—the Healing Foundation is another one—to access the expertise that we do not have in the directorate.

I will be really frank with you: I think that the market for talent amongst Aboriginal and Torres Strait Islander staff is really hot. There are a lot of employment opportunities not only in ACT government but also with the commonwealth government and organisations who are looking to have Aboriginal and Torres Strait Islander staff in their organisations. Things that in the past we might have looked to do within the directorate or within government are proving really hard to staff. We increasingly have this model where we will work with Indigenous businesses to provide a capability that we cannot necessarily get in the public service.

**MR WALKER:** Also, we are looking a little bit broader than that around services that are on the ground, like catering services and things like that. Those are the kind of businesses we are talking about. In the Business Chamber there are a lot of Aboriginal and Torres Strait Islander organisations established in the ACT offering all sorts of services. Those are the kind of services that we are trying to pin down about—

**Ms Rule:** Certainly, around catering, there have been a number of occasions when we have specifically used catering from Aboriginal and Torres Strait Islander organisations. We have used a few times—and the name of the business escapes me—the facility at Mulligans Flat to host meetings. I think we will do that more; it is a great space. I am told it is a comfortable space for community and it supports an Aboriginal business. I think we will see more of that, and for those opportunities to be quite targeted. As a directorate we are pretty tuned in to that and looking for those opportunities to use those businesses. Ms Borwick might have a bit more specific information.

**Ms Borwick:** On that, again, we recently met with Procurement ACT, who then hold those business days, to help people understand how to get on panels, how to use Supply Nation and other changes that are there. That is another area where we are working across ACT government to look at when we might need to refresh some of those, because obviously there are new businesses emerging all the time.

Our spend in relation to some of those areas, for our hospitality, for instance, and some of those businesses that you are talking about, was \$5½ thousand last year. Again we are seeing other things like those conference centres being used, so that is where we start to add up in those spends.

**MS McGRADY:** I think it is important to highlight those things. It might seem like a really small amount, but it is actually huge for that business. I know that even the paper that is used in CSD is from an Indigenous company.

**Ms Borwick:** We do spend money on stationery, yes.

**MS McGRADY:** It is very important to that community. I know it may be a minute investment, but to that company it means a lot.

**Ms Rule:** I agree. I have this view about CSD's role in providing leadership across the ACT public service. Aboriginal and Torres Strait Islander affairs is one of our portfolio responsibilities and, if we are not tuned in to making decisions that help the Aboriginal and Torres Strait Islander community, no-one in government will be.

I think we have a real responsibility to be leaders on this stuff. I think you are right; it starts at that grassroots level. It has to be both. It cannot be all of the big contracts and ignoring the little guys, or just the little guys and ignoring the big guys. It has to be across the whole spectrum. Woven into our thinking all the time is: where are the opportunities to help support Aboriginal and Torres Strait Islander businesses and organisations, whether it is a big investment or a small investment?

**MR WALKER:** We will move on to priority 3. How is the directorate implementing the Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Ms Rule:** We absolutely have a leadership role here across the ACT public service. One of the things I am most proud of as a directorate is that, as of the end of last financial year, our employment of Aboriginal and Torres Strait Islander people was 5.92 per cent. We expect any day now that we will tick over six per cent of the directorate's employees identifying as Aboriginal and Torres Strait Islander. In all the work that we do, we absolutely have an obligation to reflect the community that we serve, and one of the communities that we serve is the Aboriginal and Torres Strait Islander community.

We have staff at all levels throughout the organisation—on the ground delivering services, in executive positions and everything in between. We have a responsibility both to get to that level of employment and keep that level of employment. I do not want it to just be a spike; I want there to be continual growth in our employment of Aboriginal and Torres Strait Islander people.

I think that is helping to transform our organisation. We have embedded some of our Aboriginal and Torres Strait Islander leaders into our governance of the organisation. For example, both Brendan and Chris attend every meeting of our Strategic Board, whereas executive branch managers do not typically attend that meeting. We work closely with different organisations outside, who are keeping us honest and being really willing to tell us when we are doing the wrong thing.

I think you were there, Maurice; we had a conversation with the Our Booris committee about how we phrased a certain piece of communication with the community and how it was an insensitive piece of communication. We got to deal with that before it went anywhere. Building that capability and that understanding, and working closely with both our own staff and organisations outside, is part of our approach in terms of transforming the organisation itself.

**Mr Moyle:** We also acknowledge the Auditor-General's report and the Productivity Commission's report, which said that all governments need to do more in this space. When I was first recruited, I was challenged and charged by Catherine, Jo and Jacinta

to look at how we drive some of that change, as was Chris. We are doing a lot of work, not just in terms of the way we transform CSD but in terms of how we use our leadership role across the ACT public service to leverage those reports through the IDC and through Strategic Board, to try and get transformational change across government.

Aboriginal and Torres Strait Islander people are over-represented across almost every aspect of the ACT government services. For us, part of it is about what we do as a directorate and part of it is about how we drive that change as well.

With some of the reforms that we are doing, if we go back to priority reform 1, it is about making sure that we are strengthening the role particularly of the Elected Body, in terms of how the Elected Body is not just engaged or consulted but has legitimate positions of power and authority within those governance structures to be able to inform both the development of policies and programs and transform the way we work, as well as holding us to account.

**MS CHIVERS:** In regard to priority reform 1, it needs to be shared decision-making. If the community do not see that difference then it is not working. I absolutely recognise all the work that has been done so far, but if community are not feeling that, and they are not seeing that change, that is where we need to think differently.

**Mr Moyle:** Absolutely.

**Ms Rule:** I think that is right. I have had a number of robust conversations with you and Tanya about how we best support the Elected Body, and I do not think we are there yet. Both CSD and yourselves would say there is more that needs to happen, so those conversations will be ongoing.

With the transition of services, I completely understand that this reform is about everything that we do, so it is about how we staff our organisation, it is about how we deliver services or how we partner with other organisations to deliver services, and it is about how we build capability across all the work that ACT government does.

I understand that it is much broader than just that. I think data is a challenge here—some of the measures around how to measure racism. I can tell you that, in our HR data, for example, there are a very small number of people reporting discrimination. I cannot break that down further.

**MS CHIVERS:** Member Walker's question was specifically around how CSD as the directorate is implementing the ACT agreement as part of the directorate's core business. You have gone all around that and you have not really answered the question. That is the feedback that is coming through from the community that are watching the livestream. Can you specifically answer how CSD, as the directorate, is implementing the ACT agreement as part of CSD's core business?

**Ms Rule:** Thank you, Member Chivers. I am not trying to be evasive in answering the question, and I am happy for others to jump in here. We have a large number of things under the agreement that are our responsibility, either directly or on behalf of the whole of the ACT public service. I chair the Strategic Board committee that is responsible for monitoring and overseeing the implementation of the agreement.

I accept that the Auditor-General has absolutely pointed out some ways in which we can strengthen that. The Office of Aboriginal and Torres Strait Islander Affairs have a role both for the ACTPS and for CSD as a directorate in monitoring our progress and reporting on our progress. As I said, I think data is challenging for us in some spaces where we do not have robust measures against all of the targets in the agreement, but that is absolutely woven into the way in which we think about our business. We have particular structures in place. There is reporting happening. As I said, Chris and Brendan both attend our Strategic Board to make sure that we are focused on delivering our commitments under the agreement as part of our core business.

**Ms Wood:** The committee may get to this later, so we can do this later or we can do this now. In terms of how we are delivering putting the agreement at the core of our business and making it our core focus, there is significant work happening under the different focus areas. We could speak particularly to the children and families focus area and step through the specific work we are doing there, if that would be helpful.

**MR WALKER:** No, I do not think that is really necessary. You mentioned the other organisations that you work with. How do you work with other directorates to achieve that core business?

**Ms Rule:** I think there are a couple of ways. I will try not to labour these too much because we have talked about a couple of them. The Strategic Board committee is a cross-directorate committee; that is the first one. There is also an IDC that involves executive general managers across the ACT public service.

Increasingly, we are taking on a leadership and coordination role. We will coordinate on behalf of government in response to the Auditor-General's report, for example. We write all of the cabinet submissions and the reporting around Closing the Gap. I get to see Paula regularly at the Closing the Gap meetings of ministers. We have a more prominent role than all of the other directorates. Increasingly, we have to take a leadership role on this stuff.

Brendan and Chris are both exercising leadership across the ACT public service, both with Aboriginal and Torres Strait Islander staff and in building awareness of these things more holistically. As I said before we started, I am really keen to have a conversation about what role CSD can play to boost the understanding of Closing the Gap across the ACTPS.

**MR WALKER:** I think one of the things that we would like to see in the coming years, or in the rest of our term, anyway, at least, is the commitment from CSD to that role, whether it be at the front, leading from the front, or in supporting other agencies and other directorates to lift their game. Because we, obviously, want better results for our community, so if we can be working at that, that would be great. Did you want to add—

**Ms Rule:** I can absolutely give you that commitment. I see it as a core part of my role personally, and I think we, as a directorate—myself, both of the deputies, our Aboriginal and Torres Strait Islander leaders, as well as our non-Indigenous leaders—have conversations about this every week. I spend as much time on Aboriginal and Torres Strait Islander affairs as any of the other portfolio areas, some of which are



bigger in volume but certainly not bigger in complexity and challenge.

**MR WALKER:** Thank you, Catherine.

**Ms Rule:** I can absolutely give you that commitment that CSD is prepared to lead from the front, and I would be really interested to hear any feedback from the Elected Body about how you think we are going. Are we improving on that front? I understand, absolutely, that there is more that we can do, and so let us have those conversations.

**MR WALKER:** I have got a community question on that, but I will let Brendan have a chat.

**Mr Moyle:** I might just add to what Catherine was talking about in terms of the formal governance structures. Particularly in the last six months, since coming in, we have really put OATSIA back on the front foot—exactly what you are talking about. Two practical examples that we have got are: we have been working, particularly, with environment around the review of the cultural heritage legislation; and last night I was sitting on the circle sentencing redesign working group for the courts. Our role within that is to guide and support them to make sure that they are delivering against the agreement in their action plans—the Closing the Gap is a national agreement—but, also, that they are following the right protocols to make sure that the community has a voice within that, and that the relevant parties can help to actually inform and share the decision-making around that.

**MR WALKER:** Thank you. Our community question is: how is this work and thinking influencing the changing of day-to-day work in CSD?

**Ms Rule:** That is a big question! It is; it absolutely is. Maybe if I can give you an example that springs to my mind, and, again, I am happy for my colleagues to jump in here as well. When I think about child protection, we often talk about the fact that—and this is something that Jo has driven really hard—if our child protection system works for Aboriginal and Torres Strait Islander families it works for everybody. So, how can we put the thinking about dealing with Aboriginal and Torres Strait Islander families at the forefront of the work that we are doing on child protection?

Child protection is being reformed: there will be new legislation, the government has announced a new policy agenda, and we are going out to market for new services. Anne Maree and Silvia are absolutely driving cultural change on the ground throughout the whole of the child protection system. It is big, and it is hard, but there is nothing more important in the work that we do than shifting the way in which child protection works, and Aboriginal and Torres Strait Islander children and families absolutely have to be at the centre of that, because, as Chair remarked at the beginning, Aboriginal and Torres Strait Islander families are absolutely over-represented in the child protection system. So, this gets woven through every conversation we have about how we do child protection better.

**MR WALKER:** Thank you, Catherine. I will move onto systemic racism and racism. What have you done—not necessarily you but your directorate—to review your legislation, policies and processes to identify and remove systemic racism?



**Ms Wood:** I acknowledge that a shift in focus on systemic racism for the whole public service came out of the last round of the Elected Body hearings, and the questions led to the acceleration project focussed on systemic racism. That has been a really important conversation for the public service as a whole, and it is leading to work on a framework for the public service as a whole, and that is in the phase 2 focus area action plan.

CSD recognises that we need to do that work now. The framework will be useful but, as Member Walker has asked, there is really concrete action we can take now, and we are doing that. Catherine has already spoken about the work we have done to look at our governance and to ensure we have Aboriginal and Torres Strait Islander leaders in our governance—to ensure we are asking the right questions and having the right conversations.

We have had the focus on workforce and building our Aboriginal and Torres Strait Islander workforce, and Ms Borwick can speak more to that. That is ensuring that we have Aboriginal and Torres Strait Islander expertise across all of our policy and service delivery functions. Then, within the particular areas, and we have touched on child protection, we are looking at the different points in our system where we know we are getting worse outcomes for Aboriginal and Torres Strait Islander children and families.

Our Booris, Our Way has identified we have too many Aboriginal children coming into the child protection system—so, that first interaction point. We know that Aboriginal and Torres Strait Islander children and families do not have a good experience in our system—so, looking at the decision-making around what happens to families and children. And we are not achieving enough in restoring kids to families. For each of those three phases of the child protection system we now have dedicated, Aboriginal-led teams that are doing work to actually look at what we do and change what we do, and really unpack where that systemic racism is built into our system.

**THE CHAIR:** This information is four years old—no change?

**Ms Wood:** Some of these things are very new. The First Nations support team, which is the team that is working at that front end of the child protection system was established over the last 12 months. That was established by—

**MR WALKER:** Sorry, Jo. Can you tell me what the framework is? You mentioned the framework.

**Ms Wood:** Yes. There has been the whole-of-government group that was looking at addressing systemic racism.

**MR WALKER:** We heard yesterday from ACT Health about whole-of-government work on systemic racism, and it was presented to IDC recently.

**Ms Wood:** Yes, that is right.

**MR WALKER:** The Elected Body was not included in that process, and, obviously, Tanya and/or Paula, the Chair and the Deputy Chair, have been attending those meetings. It seems that the Elected Body has been left out of that consultation and that approval process and have not seen this document or this framework.

**MS CHIVERS:** We have basically been excluded. Given that the elected chair, or the deputy chair, co-chair the IDC, we do not understand, and are absolutely not happy, that the Elected Body has actually been excluded from that piece of work.

**Ms Rule:** I will just unpack that a little bit. The IDC is an internal government committee—

**Ms Wood:** There is co-chairing.

**Ms Rule:** Okay. The kind of overarching governance mechanism is the strategic board committee that I chair. That piece of work has not gone to that committee yet. It was tasked to the IDC to do some work on developing that, but I am absolutely happy to take that feedback on board and have a look at it. I cannot talk to that; I do not attend that IDC.

**MR WALKER:** That would be great. Besides that work—leading on to instances of racism—how has CSD supported Aboriginal and Torres Strait Islander employees across the ACT public service to reduce experiences of racism and discrimination for Aboriginal and Torres Strait Islander people within government systems—obviously, in trying to reduce this by 80 per cent by 2028?

**Ms Wood:** I can start, and Ms Borwick can speak specifically to the CSD part of it. We have continued to work, as we have talked about in a couple of our answers already, with the rest of the public service, and, for this particular topic, we are working really closely with chief ministers who have the lead on the public service workforce. They have done a range of work around recruitment, retention and cultural integrity for the public service as a whole. The next phase of that work is in the phase 2 action plans. We have also had a particular focus on our workforce in CSD that Ms Borwick can take you through.

**Ms Borwick:** Thank you. There are a number of different areas for us. We have talked a little bit about recruitment, having a huge focus on that, and lifting, over the last 12 months, to almost four per cent representation within our workforce. So, how do we actually engage with some of those processes? I will give the example of a recruitment process. We had a bulk recruitment process recently and made sure we had representation on the panels by people who were Aboriginal and Torres Strait Islander. We actually changed up the process for the way we did the recruitment—where we advertised, who we connected with. We put messages out through our community networks so that people knew those jobs were available and what they were about and invited that discussion. The way that we have crafted some of the questions in our broader recruitment activity really goes to matters of cultural competency. People's awareness and understanding about who we are bringing into our organisation has been really important.

For us, pleasingly, again, it is setting up our yarning groups and having those spaces for people to talk. What we are seeing, actively within the organisation, at the moment, is much better conversations and people really bringing their voices to the discussions that we have on a number of places. We have our attraction and retention strategy, and the other diversity and inclusion documents. We are now seeing more people participating

in those discussions and that representation coming to the table—

**MR WALKER:** Yes, thank you. That is all about employment and retention and recruitment.

**Ms Borwick:** Yes.

**MR WALKER:** I really want to know about racism. What are you doing about racism? How many incidents of racism are generally reported within the directorate each year?

**Ms Rule:** As I said earlier, I do not think data is our friend on this one. I have some broad data about staff raising issues of discrimination, but I understand that that is much broader than racism. We do not have good data on reports of racism, either from staff or from our clients, so I think it is an area that we have to do more in, because I am not sure how we, as a government, actually demonstrate progress against that target.

**MR WALKER:** Okay. Maybe if you take that on notice, Catherine.

**Ms Rule:** Yes.

**MR WALKER:** And sorry for cutting you off, Ailsa. I know that it is important; we are going to talk about workforce and cultural awareness—

**Ms Borwick:** I will just come back specifically to racism, which is the question that you asked. We have recently done our staff survey. What we saw is a doubling of people who identified as Aboriginal and Torres Strait Islander participating in that, and we have actually seen a substantial reduction in their experience of racism and discrimination as reported in those areas. Again, we have our RiskMan areas where we report things; we are seeing very low numbers of reporting. But I will canvass that those are the people who are willing to report, and I think that an issue we have is that the data point around people often—

**MR WALKER:** I have three questions here, along with the reporting and, obviously, fixing up the data stuff. Besides the staff survey, what other mechanism is there to reporting? How does the directorate address incidents of racism? How are you going to prevent this in the future? So, obviously, the strategy you were just talking about is probably part of the answer.

**Ms Borwick:** Yes. The approach I was taking was coming from this issue of systemic racism, so it involves how we change our corporate processes to accommodate differences for people across the board, and what they need to have in there, and understanding the differences in those processes, because, traditionally, we have had a pretty straightforward, “This is the one and only way we do recruitment,” or “This is the one and only way we do contract management.” So, at a systemic level, from a corporate perspective, we are going through those areas and looking at things like governance, like procurement, like recruitment. They are all those processes that contribute to that.

For staff, they can report, through the RiskMan process, incidents of racism. We are required to action and review those reports within 24 hours, and we have a team to do

that. That feeds into the way we would do that so that we can make contact with people and understand the situation and undertake investigations as required.

**MR WALKER:** Thank you, Ailsa. Just two more questions. How does CSD train and ensure the cultural competency of CSD employees? Is the content designed and delivered by local Aboriginal and Torres Strait Islander people or organisations?

**Ms Borwick:** We have a mix of ways that we do it. For the cultural awareness perspective, and I understand the difference there, we do have online resources that are mandatory for all of our ASO 3 to ASO 6 staff to undertake. That is an online resource that in the last 12 months we have had 386 staff complete.

On top of that we have cross-cultural training programs. We are particularly proud of the work that is done within our CYPS area. There is a lot of work that is going on, and, yes, that is done with Indigenous suppliers: from face-to-face, e-learning, walk on country—those sorts of approaches. I think that is something that is making a significant difference in them being culturally responsive and really building that capability within those workforces.

We do other immersive programs. Different parts of the organisation will pick up different areas for that. We continue to have things such as our mentoring programs. We have recently supported staff to go to the Garma Festival and to lead a delegation there, and that was really important for us—the input that our senior leaders can have more broadly in the service and leading that as a delegation, versus a one-off sending people to those sorts of events.

**MR WALKER:** Just one more question in relation to that. As a former employee of CSD, a lot of that learning is online, so it is one person sitting in front of a computer doing the training. Is that the scenario—yes?

**Ms Rule:** Not universally. I hope if you came back into CSD now it would feel different—I know you have not been gone that long—as an employee. Because—

**MR WALKER:** I do not think it would change that much.

**Ms Rule:** The online training is part of it, but, as Ailsa said, we are trying to supplement that with a range of things, depending on what work area you work in. So, for example, in child protection and housing, where we have got frontline workers who are out with our client groups, that investment in building cultural competency is even more important than, perhaps, for some staff in other non-frontline areas. It is important for everybody, but I think we need to invest more in the frontline staff.

As Ailsa said, we are doing mentoring, walks on country and having cultural capability built into those teams, so employing Aboriginal and Torres Strait Islander staff and having ongoing conversations with our staff about Aboriginal and Torres Strait Islander issues. I think the online part is a part, but it cannot be the only part and it is not the only part.

**MR WALKER:** Yes, thank you. Those of us in this room will remember the training rooms out at Belconnen. I remember having three-day orientation with new and/or

existing staff. There was a community panel made up of some Elders in the community—people who worked for a certain organisation—who came in to give us a perspective about the ACT community and how to, I guess, navigate in that. A lot of the next questions we are going to be asking you are about that subject: around knowing this community, as diverse as it is.

I remember part of my role out at housing was around providing a presentation on Aboriginal and Torres Strait Islander issues in the community. The reinforcement was those three panel members of people who had actually lived here and worked here a lot longer than I had, which gave a really good picture of what was out there in community, particularly for young people. There was a question from one of our community members—there are continual complaints about case workers with no family experience, meaning they do not have children themselves, and, seemingly, are culturally inadequate. What is the process for training care and protection staff, both new and existing, in this space?

**Ms Rule:** I am happy to have Ms Lopic to help with this one. I would say that we have really focused very hard on building cultural competency within the child protection workforce. The nature of the child protection workforce—the demographic—is primarily young, primarily female. We certainly do not have a requirement that people who work in child protection have kids. I think we would have real problems getting a workforce if that was a requirement. But they do bring with them other skills—in social work, psychology, whatever their professional background might be. We are doing a lot more in terms of making sure that those people understand the local community and work with the members of the local community that we have employed on our staff now, and others. I am happy for Silvia to talk to that a little bit more.

**Ms Lopic:** Thank you. I have read the privilege statement, and I would also like to acknowledge the traditional owners. In terms of the first 12 months for a case worker, they have quite an intensive training and development program. This includes three main modules—three main core parts. The first one is a six-part cultural development program that does also include a walk on country. It embeds the child placement principles and has an immersive program for case managers to really understand the work they will undertake with families. The second part is around family group conferencing training. That is a two-day training to really consider what family group conferencing is and how to embed that into the work. The third one is around our SNAICC principles. We have engaged SNAICC to undertake the child placement principles. Those three main modules are completed in the first 12 months.

**MR WALKER:** Thank you. There is a comment from a community member saying that, in their experience, CSD do not seem to follow their own legislation of care and protection surrounding removal and do not fully implement child placement principles. There is a perception, obviously, from community that you are not following those guidelines, so, hopefully, with the new leadership commitment that you have promised us, we will see some improvement in that area—

**Ms Rule:** And just to make one quick comment; I know we are running out of time. Child protection is a really tricky space, and we have got a lot of improving to do, but we are on the pathway to the point that we are getting some very positive feedback from stakeholders, including Aboriginal and Torres Strait Islander stakeholders.

But if there are particular issues for community that you are hearing about, or others are raising—often it is case by case in child protection—I am really happy to hear about them personally, as is Jo, or Anne Maree or Silvia, to help address those issues, because it is hard. Getting child protection right is hard, and it will always be contested and difficult. We are investing heavily in improving, but we are really happy to hear when issues arise, because they will.

**MR WALKER:** Thank you, Catherine. Any more questions?

**THE CHAIR:** Yes, before you go, I have got another comment. I do not know whether it is a comment or a question. It says, “Until CSD staff look at their conscious and unconscious biased assumptions towards families, we as a community cannot move forward.”

**Ms Rule:** I will take that as a comment, I think. I do not know that I can address that.

**MS BOOTH:** I think the other question would be: who is mandating all this stuff that you are implementing up the top, when it comes to the bottom? Because it is not happening on the ground level.

**Ms Rule:** I know you said at the beginning that it takes time. It does take time. As Silvia said, that first year of training is important, but it has to be ongoing and always that we are working in this way. So, we are also embedding this into our work practices. We are changing the way in which decisions are made to ensure that there is cultural advice from people who know this stuff and who can help us make good decisions—

**MS BOOTH:** But if there is something that comes back to the team leaders—who is watching that to say what is happening with our Indigenous kids if they are getting taken by the government? Who is mandating and watching what is happening with that process?

**Ms Rule:** We can go into the detail of how we have changed the governance to make sure that those decisions are getting made by the right people and that we do have visibility of that. There has been a significant shift in the last 12 months. Do you want us to go there now? How would you like me to address that?

**MR WALKER:** You have got three minutes.

**Ms Rule:** Okay. Anne Maree, do you want to give the express version of that answer?

**MS CHIVERS:** The other comment that has also just come through from community—today you have consistently spoken about Our Booris, Our Way. I was on the Our Booris, Our Way steering committee. We spent two years coming up with the recommendations. We reported those to government in a staggered way, so it was not just at the end of the two years. The community is actually really concerned that the final *Our Booris, Our Way* report was released in December 2019, and it is nearly four years later, but for the community, they cannot see any change on the ground.

**Ms Rule:** I agree with that. I think that is an absolutely reasonable criticism, and—



**MR WALKER:** We have a question about the recommendations later, so I will stop you there and go on to Anne Maree.

**Ms Rule:** Sure.

**Ms Sabellico:** Thank you. I have read and acknowledge the privilege statement. Thank you, Member Walker, for your question in terms of having a look at what we need to do to better support our case workers, our team leaders and the operations managers around getting some more consistency into decision-making and understanding of issues. We have looked at setting up some structural changes across child, youth and family, to better support consultation and decision-making and to support our Aboriginal and Torres Strait Islander staff and our non-Aboriginal and Torres Strait Islander staff.

We now have established our First Nations family support team, which is in response to recommendation 1 from *Our Booris, Our Way*, and it is a supplement to the way in which we were addressing recommendation 1 for a while. That team has got a senior team leader as well as a senior practitioner, whose job it is to have a look at how we keep families out of the child protection system—

**THE CHAIR:** Are they identified positions?

**Ms Sabellico:** Yes. They are currently looking at the reports that are coming in, and before we do anything else with them, they are reviewing them and giving consideration to them—to work in an early support way with those families. They are also looking at supporting for any matters that come in that are quite concerning that may need further discussion and consultation. Then we have a group that is established to discuss any matters that are coming through that need some cultural advice and support as well, so they are consulting with staff and, in fact, are guiding the decision-making about what needs to happen.

**THE CHAIR:** Do they consult with community while all this is going on, or is that not that far yet?

**Ms Sabellico:** At this stage it is all within, because we are trying to change and drive behaviours we want from within and then we can also—

**THE CHAIR:** It is just like that community member said. How are we going to move forward if—what did she say? I forget now.

**MS CHIVERS:** Does that help in the restoration process though?

**Ms Sabellico:** We now have an Aboriginal-led restoration team that is looking at all matters for Aboriginal and Torres Strait Islander children and young people who have been on long-term orders and reviewing for the opportunity for restoration with family as well. And then they are consulting with the families, with the children, with others. So those two—



**THE CHAIR:** Does community know who those Aboriginal workers are that you have—the identified positions?

**Ms Sabellico:** I can give you that on notice, if you like. I can give you the names of the staff—

**MS CHIVERS:** I think the question is: does the community currently know who those workers are?

**Ms Sabellico:** Potentially not at the moment, Member Chivers—

**MS CHIVERS:** Not us.

**Ms Sabellico:** But we can certainly make that available in terms of having on our website who is on what team. I think that would be appropriate—

**THE CHAIR:** Not everyone has access to the websites. I do not, so is there another way they can—

**Ms Sabellico:** We can work out a better way with you to get that out—

**THE CHAIR:** Yes, thanks Anne Maree, because I would like a better one.

**MR WALKER:** Thank you Anne Maree. We are going to go for a break now. We will be back to continue our questions.

### **Short suspension.**

**MR WALKER:** We will start on some workforce questions. We understand the ACT government is working to employ Aboriginal and Torres Strait Islander staff as part of improving services to the community, and obviously through the conversation this morning we have touched on some of that. There continues to be concern raised across the community that some staff are not recognised, accepted or connected to our local community. How do you ensure these people meet the definition of being Aboriginal and Torres Strait Islander people and how do you make sure that they have lived experience?

**Ms Rule:** I think this is a tricky area. We have kind of two streams and you will obviously understand this. We have some positions that are identified but we also have staff who are employed in non-identified positions. We, at the moment, do not require staff to prove their Aboriginality other than for some identified positions. Having listened to the hearings, I think this is an area that we need to work with our colleagues in the workplace relations part of the Chief Minister's department to get some clear policy for the ACT public service.

As I said, we do not currently do it in CSD where we require people to self-declare, and we accept that on face value, but perhaps this is an area where we need a whole of government policy. It has to be consulted with the community, because having worked—in the commonwealth this was a problem because there are different views about how you should do it and I know there are the three criteria and all of that stuff.

I understand all of those things, but how those are applied, when they are applied, all those things can be quite difficult. So I think we need some more work across ACTPS on this.

**MS CHIVERS:** I think part of the problem that the community have as well—so I get what you are saying about Aboriginal and Torres Strait Islander people who are in non-identified positions—but the problem the community have raised with us, and other people in the ACT public service as well, is that often for those people, the directorates are, “Yes, we have all of these Aboriginal and Torres Strait Islander staff,” and then they seem to put that cultural load on those staff; they rely on those staff to provide them cultural advice and things like that. But the problem community have is that those people may have absolutely no connections with the local community.

**Ms Rule:** Yes. I think that is a really important insight. We have talked briefly about some of our recruitment practices but actually the retention of staff requires work on not putting cultural load, maintaining—we hear a lot about lateral violence. I think it is really hard for Aboriginal and Torres Strait Islander staff sometimes to be the face of those issues for government. It is hard to represent the community and work in the community and live in the community. We need to support our staff to manage some of those complexities.

I have been here a bit over a year now and I have worked in Aboriginal and Torres Strait Islander affairs at the commonwealth level on and off for a long time, but I have also lived here for a long time and one of the things that really I have learned in the last year that I was not aware of before, is just how diverse the local Aboriginal and Torres Strait Islander community is.

When I talk about our workforce reflecting the community that we serve, I think that means our Aboriginal and Torres Strait Islander staff have to also reflect that diversity. So it is about employing Ngunnawal people, it is about employing people who are not Ngunnawal but may have lived here their whole life, or a significant proportion of their life, it is about employing people who have had lived experiences of the systems that we provide or the services that we deliver.

I think diversity amongst our Aboriginal and Torres Strait Islander staff is as important as the raw number of Aboriginal and Torres Strait Islander staff that we employ, and supporting those staff, being the best employer that we can, in terms of using the skills and experience of those staff but keeping them safe and keeping them connected to community in a really positive way is a focus for us.

**MS McGRADY:** That diversity is really, really important but if the communities do not know who they are, then you are starting right from the very beginning because they also need to build that relationship with the community in order for their position to work. It is all about community knowing more about who we are working with and whether that information is really lived experience advice and support that they are giving, but also really listening to the community-controlled organisations that are so much the experienced—they live, eat, breathe this kind of work and it never leaves them. That is the key, the community. Because the community are telling us, “We want to know,” and how is that engagement going to improve there to be able to improve here?

**Ms Rule:** I agree. What I do not want is that we employ Aboriginal and Torres Strait Islander staff and then we say to them, “Is this culturally appropriate?” And they say “Yes,” and we go tick, we have engaged. You cannot ask one person. Just like if I asked you a question, Paula, you may have a different view from Jo. It is that diversity of engagement and consultation and our staff are part of that, but actually it is much bigger than that and it has to be from all of us, as much from our non-Aboriginal and Torres Strait Islander staff. The Aboriginal and Torres Strait Islander staff cannot carry that load on their own, and we cannot fall into the trap of saying, “We consulted with the Aboriginal and Torres Strait Islander community” because we asked one person who works in housing or one person who works in child protection. It is not fair to that person but it is also not effective engagement with the community.

**MR WALKER:** So that you do not have to repeat yourself over the next couple of questions, some of the questions that we put to you were how do you track compliance with that process, and you were just talking about getting checks and balances in place. How have these roles and their responsibilities been communicated to community? It goes a lot to the credibility for that person in the community and also reflects on the directorate, of course. How do you ensure the advice they give you is culturally appropriate, and you just mentioned that. So in relation to designated positions, when designing roles, what are the requirements for specifying an identified or special-measures role?

**Ms Rule:** There are a couple of ways we do this. The first thing is to decide whether a role is an identified position or not. We do that on a case-by-case basis. It depends on what the role is, depends on which team it is. I think in some areas we have tended to go less towards identified positions because we find we are actually getting broader, more diverse fields when positions are not identified. But that does not mean we do not recruit Aboriginal and Torres Strait Islander people into those positions. Where we decide that we are going to have an identified position, we use the three criteria that I am sure you are aware of, that are commonly applied. We use those three criteria to determine Aboriginality and that is how we manage that process. But as I said, I think there is more work to across ACTPS on consistency around that.

**MR WALKER:** How many Aboriginal and Torres Strait Islander people are working on projects or programs that are not specifically for the Aboriginal and Torres Strait Islander community?

**Ms Rule:** It is roughly 50-50. I heard you ask this question of my colleagues; it is a benefit of going on day three. We had a look at how many we have we on Aboriginal and Torres Strait Islander programs and how many not. It is roughly 50-50, but I would say of the 50 per cent who are working in mainstream areas, the nature of CSD’s business is that even in our mainstream areas you are providing services to Aboriginal and Torres Strait Islander people. So if you are in child protection and you are not in the First Nations team, for example, but you are a case worker, you will be dealing with Aboriginal and Torres Strait Islander families. We have not unpacked it down to that really detailed level, but it is roughly 50-50.

**MR WALKER:** On recruitment panels, has there been an Aboriginal and Torres Strait Islander person independent of government as part of the panel to help with these

assessments?

**Ms Rule:** For some positions, yes.

**MR WALKER:** Some positions.

**Ms Rule:** Yes.

**MR WALKER:** We will move on to priority reform 4. How are you progressing the principles of indigenous data sovereignty?

**Ms Rule:** I might ask Mr Moyle to talk to this one. I would say, as an opening comment while Brendan gets settled, we have more work to do on data. This is a challenging area for ACT government. Having spent most of my career in the commonwealth where you have lots of money and big systems, data is much more accessible. That is not necessarily so in ACT government. So I think we do absolutely have some challenges on how we collect and collate data, and how we progress the data sovereignty on the data that we do have. But we have some big gaps in our data. I will make that opening salvo and hand over to Mr Moyle.

**Mr Moyle:** I think there are two things I want to speak about if it is all right. The first one is how we actually currently collect and gather data and make that publicly available. That is around the agreement, but also around Closing the Gap. There are gaps in the data actually captured at a national level and at a jurisdictional level. We are working with our data teams to particularly build a dashboard.

Right now a lot of the report is based around the impact statement, the annual report for Closing the Gap. That does not allow for informed decision-making; it does not allow for community or government to be able to respond on things that are going well and may be seeing positive outcomes or seeing negative outcomes. So the first thing we are doing is building a dashboard which will look at the data we have, and how frequently we can update that. Then we can share that and use it, both through our governance structures which the Elected Body sits on, but as well to then inform how we push the other directorates, or work with the other directorates, to respond and be agile to that.

The second thing I want to talk about is under Closing the Gap there are provisions for regional community data governance projects. We have nominated the ACT government as one. We have been having conversations with the Australian government. We have had some very preliminary conversations with some of the ACCOs just to flag that we want to come out and have more of a conversation. This is not about government controlling it. We want to work with the Elected Body as we start to formulate the approach, but what we would like to see, working in general partnership and being guided by the community through the Elected Body and through the ACCOs, is to work out what that data capture actually is, what is needed in community to demonstrate particularly the work that is happening, not from government but from the community sector, and then put forward a submission for the ACT to participate in that. The data that is owned through that is the community's data. It is not government's data. It is something that is built. So we are very committed to data sovereignty.

**MR WALKER:** So what has your directorate done to appropriately identify Aboriginal and Torres Strait Islander people receiving services in your directorate, and how does this align with the indigenous data sovereignty?

**Mr Moyle:** Again, part of the conversations we are having with our data teams is particularly to identify, not just within CSD but have a broader approach across the ACT government, what the Aboriginal and Torres Strait Islander demand on services is. Quite often the challenge within government is that in some areas decisions are made based on population level data rather than demand data. The information we are trying to actually build now—we are building the systems to be able to do that—will be critical in terms of the transformation elements, where we can go and work across CSD, and across the ACT government, to say hypothetically, if 15 or 20 per cent of your client base is Aboriginal and Torres Strait Islander, or 10 to 15 per cent, or whatever it is, pro rata the funding that is available should be allocated out to Aboriginal Community-Controlled Organisations. It should inform recruitment processes and how we strengthen the engagement with community in terms of setting those policies.

**MR WALKER:** We are going to move to some direct specific questions from the community as well as the ones that are submitted by the Elected Body. Can you provide an update on the number of the Aboriginal and Torres Strait Islander children being reported to child protection, having a report substantiated and how they move through the child protection system, including a breakdown on kin carers between Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander kin?

**Ms Rule:** I am not sure we will have all of that data available right now, but happy to take it on notice. I am sure Ms Sabellico can give high-level numbers about Aboriginal and Torres Strait Islander children and families in the child protection system, but then the more detailed information underneath that, we will have it, I just do not think we have it accessible right now.

**Ms Sabellico:** And we would have to go through and take a fair bit of information out. Happy to provide the overarching report for the committee, so we will take on notice to do that. To give a bit of an overview, in terms of the question about how do we now work on any reports that are coming into the system and what happens there. As I mentioned before, we now have our First Nations family support team that look at all the reports as they are coming in to consider which matters they will work with prior to it going into the child protection system. They have successfully, in the time they have been operational, supported six families to not come into the child protection system and worked with them to keep them out of the child protection system.

For the first six months of this year we did not take one Aboriginal and Torres Strait Islander matter to court for emergency placement. We have, however, in the last couple of weeks seen a couple of families where we have had to undertake some action, but no action is taken without consultation with Aboriginal staff. Usually two to three staff because we are moving away from single-point decision-making and only one person making decisions, to at least two or a discussion group of more, to influence that.

We also use that opportunity for live-learning with our staff who need to participate when they are talking about case work matters and be there to listen and hear what it is our Aboriginal colleagues are saying in terms of what is required in terms of case

direction, case support and provide that information. Everything is monitored out of my office as the executive group manager, so I keep track with the case work team about what they are doing and how that is working. That then means the accountability rests with me to make sure it is happening rather than the Aboriginal staff having to carry that load.

In terms of out-of-home-care, as I said, we now have the restoration taskforce in place, where we are having a look at all of the—I think there was about 58—matters in out-of-home-care where we had long-term orders and no review of potential for restoration has occurred. They have been working again on that and we have about 12 families going through that process, at different points of the process. We are happy to provide you with an overview of the stages. We can provide that for the community to understand exactly what we do at different points in time for those decisions, who is included and how we bring in external parties.

**MS McGRADY:** Can we just find out how many people are working on that restoration team?

**Ms Sabellico:** At the moment we have two Aboriginal and Torres Strait Islander staff working full-time on that project.

**Ms Rule:** Just to give a headline number that might be helpful for the community, in the last year we have seen the proportion of Aboriginal and Torres Strait Islander children out-of-home-care decrease from 31 to 29 per cent. Still too high, but it is heading down, which is positive, and 80 per cent of those kids are in kinship placements.

**MR WALKER:** Can you provide an update on the number of recommendations outstanding from the Our Booris, Our Way review presented in 2019, provide a pathway to address these recommendations, and if you can also include what are the current obstacles preventing implementation of the full intent of the Our Booris, Our Way recommendations?

**Ms Rule:** I am not sure that I can reflect on what the obstacles have been. I agree with the observation from Member Chivers that it has been too slow, but absolutely in the last 18 months we have committed to and progressed significantly on a number of the recommendations. I think we have moved away from a model where we would go to every meeting and tell the committee a bunch of stuff that we had done, to actually some quite different conversations with the committee about achieving the intent of the recommendations. There are a small number, and I do not know the number off the top of my head, of recommendations where we have either agreed to close or are very close to closing those recommendations, but there are a number where we have, in my view, and I hope in the view of the committee, made significant progress in the last 12 months, where none had been made previously.

As I said before the break, I accept the criticism that it has been too slow but reiterate our commitment to moving forward with the committee on the implementation of the recommendations as they were intended by the committee. I think we got into a bit of a habit of saying we did something with Aboriginal and Torres Strait Islander families or children, and it was kind of broadly related to recommendation whatever, but actually going back to the heart of, “What is the problem that we’re addressing here?” and taking



real action to agree the way forward and absolutely committing to and delivering on that agreement. I think, as I said, we have made significant progress in the last 12 months where we have not before.

**MR WALKER:** Obviously, the subject itself, care and protection out-of-home-care is very sensitive to our community. We have a lot of questions in relation to that from our community members, so I will try to get as many of those across as possible. We may end up providing you with the questions to answer on notice by the time 12.30 pm comes around, but I will try to get as much done as we can.

So some of the questions from our community are, “There is not a universal risk framework utilised by CSD in the removal of children. It is primarily up to the individual manager or staff. Why are your staff continuing to operate in this manner?”

**Ms Sabellico:** Since I came into the role as executive group manager, we have been undertaking a whole lot of work around looking to reform child, youth and family as a division. Part of that has been to understand exactly where we have not got it right in terms of the systems required to support a good child protection system.

One of the things we have looked at is the need to reconsider our intake process and our appraisal processes, and in doing so, have identified that yes, we do not have an appropriate risk assessment framework. So we are working towards establishing a program of work to embed a risk assessment framework from the beginning of a report right through to decision-making around case direction and closure. In terms of looking at what will be the tool, we have had some work through discussions with community about some tools that are in place with community and which ones are preferred and we will look to establish those. At the moment it does look more like a structured decision-making tool that we will look to introduce and implement.

We know from our discussions with other jurisdictions, New South Wales has just gone through a whole process around making it more validated for cultural issues and stuff as part of the tool, and so we will look to build on that. It is a lengthy process and will require lots of consultation with our community partners and other directorates and stakeholders that we also expect will need to be involved.

**MR WALKER:** You just mentioned about the Aboriginal cultural data. I want to add to that question, and it goes back to the data stuff Catherine, will there be a measure that relates to our own ways of wellbeing, not non-Aboriginal data that does not take our culture into account? I am assuming that part of what you just said is around that consideration as well. Brendan did mention about how we are revamping how we are going to collect data, and maybe that can be a consideration going forward in that space. And also, is that linked in with the reform?

**Ms Sabellico:** Yes. That is all part of the reform. We are also looking at how can we get involved earlier and provide an earlier support, rather than a child protection intervention. Part of that is we have established some different arrangements within our intake team to look more closely at pre-natal reports to be able to do work before a child is born, and what does that look like, and working with health and NGO partners around that. As well, with matters coming forward around family and domestic violence, we want to set up similarly so that we are getting a far earlier support approach in. That is



also being considered as part of the modernising of the act and embedding different ways in which we can look to work from that framework.

We also have our Next Steps program of work, which is looking at the broader children, youth and families service system, and we are investing more in terms of the diversion, restoration and preservation services than the placement. We want to be able to move children back with families and that whole service system is being set up to allow for that to happen.

**MS BOOTH:** Is that how you are gaining access to know that our young Aboriginal people are pregnant in the community?

**Ms Sabellico:** Sorry, how?

**MS BOOTH:** Is that how you are gaining the access to know that our Aboriginal people are pregnant, especially our younger generation, who are being contacted by CYPs to join a parenting program?

**Ms Sabellico:** At this point in time, we only know about pregnant young women through the reports we receive in. There are models of service delivery, however, that mean you can have a far more volunteer arrangement. So we are keen to have a look at some different models as well, in terms of supporting. But at the moment, we action reports that come in. How we action them, we are doing them differently.

**MS CHIVERS:** I just want to say, for the benefit of our community that are watching the live stream, you mentioned community partners. Can you please specify who those community partners actually are.

**Ms Sabellico:** It depends on the piece of work that we are undertaking, but we have conversations broadly with Gugan Gulwan about the reforms. I have met with Kim directly to talk about the reforms and what our thinking is going forward. We have met with Yerrabi Yurwang, we have had a session with Yeddung Mara recently. I know that Chris and his team are looking to bring in all Aboriginal Community-Controlled Organisations to do presentations to CSD staff, so we can start the conversation and dialogue on an ongoing basis around support. We have also had some conversations with Winnunga.

We do have two groups that we connect with regularly. One is called Safety in the Pouch, which is a group of staff from across community-controlled organisations, mainly Gugan and Winnunga, who do a lot of work with CYF. As well there is an Aboriginal and Torres Strait Islander co-design group which is constituted of people with lived experience and we also consult with them.

Through Next Steps, we have a critical friends group, and that membership has about 30 per cent membership Aboriginal and Torres Strait Islander representation. There is the interim children's advocate and there are a number of CEOs from community-controlled organisations. I can get you the names, actually. Yerrabi Yurwang is part of that. We also have the Aboriginal Community Visitor on there, but Member Chivers, I can get you the list of the names for the record.

**MR WALKER:** That would be great. Since the Blueprint for Youth Justice, lack of collaboration with one of our organisations, Gugan Gulwan, has been non-existent. What are your plans to improve relations with all ACCOs, and also how is youth justice operating? Gugan Gulwan has zero input into First Nations case management, nor through care for those exiting Bimberi.

**Ms Sabellico:** I do know we work extensively with services on a program basis within Bimberi and certainly Gugan Gulwan runs an art program fortnightly in Bimberi and also does some case management support. We do know we need to get better at bringing Gugan in earlier around matters. We will continue to look at working through that, both from a child protection youth justice perspective as well as then a Bimberi perspective. I will take that one away and continue to have a look at working on that.

**MR WALKER:** I am assuming the work that Chris is going to be doing with ACCOs will improve that relationship even more, so hopefully that gets to that point. How does youth justice determine effective case management for First Nations young people within Bimberi?

**Ms Sabellico:** Within Bimberi, they look at how do they appropriately support the young people in that sort of environment around daily structures, daily programs and all of those areas. They do consult with families, children and other partner agencies that may be involved at a point in time and they start off bringing together the equivalent to a care team for those sorts of conversations.

They also have oversight from the official visitor. The Aboriginal and Torres Strait Islander Official Visitor would come in, as well as then the Children and Young People Advocate comes in, to be able to discuss matters. They have access to the Aboriginal Legal Service for legal support and advice where that is required for court matters as they go forward. As I said, they would bring in any agencies that they are aware of being involved as part of their case planning and setting of the directions for those children.

I can let you know the numbers. At the moment we have 13 young people in Bimberi, of which five are Aboriginal and Torres Strait Islander, and there were two case conferences this week for two of those young people.

**MR WALKER:** What health services are delivered within Bimberi? Do you know that?

**Ms Sabellico:** Health services are delivered by Justice Health.

**Ms Rule:** It is a complete range of health services either delivered within Bimberi, or the young people are taken out to access those services as they need to.

**MR WALKER:** Last question from this particular community organisation: what is the status of Narrabundah House?

**Ms Sabellico:** For the recent past, Narrabundah House has been closed for renovation and repairs, but it is now fully refurbished and ready to go. I think we have been having conversations about any referrals that are available at this point in time.

**MS McGRADY:** The comment I have is that I know the health system at Bimberi is very good in regards to all the young people, particularly the Aboriginal and Torres Strait Islander people.

**Ms Rule:** One of the things about Bimberi is that often the young people are getting connected to health services and education for the first time in a long time. So whilst most often young people are in Bimberi for relatively short periods of time, for the most part—not always, but for the most part—we try to get them connected to those services. We take that opportunity to try to make sure their health needs are getting addressed while they are in Bimberi.

**MR WALKER:** How many Aboriginal and Torres Strait Islander children have been restored to their birth families in the past two years?

**Ms Rule:** I will have a look and see if we have that quite specific piece of data, Member Walker.

**MR WALKER:** If you could break it down by children on short-term and long-term orders. Take it on notice?

**Ms Sabellico:** We will make sure that we provide you the full breakdown.

**MR WALKER:** Of the cultural care plans that must be in place for Aboriginal and Torres Strait Islander children in care, what proportion of children have cultural plans that have been reviewed within the last 12 months? How are they measured for cultural proficiency and compliance?

**Ms Sabellico:** I can let you know we are currently sitting at all cases have been reviewed in the last 12 months, and Silvia will let you know how the process was undertaken.

**Ms Rule:** While Silvia gets settled, I will say that this is a matter that has been brought to our attention frequently by stakeholders and by the Our Booris committee, so we really put a lot of emphasis on making sure that every one of those plans has been reviewed in the last 12 months.

**Ms Lopic:** Just to add to that, in terms of the recommendation in Our Booris, significant effort to look at quantity as well as quality, so we are looking not just to increase the number. We are pleased that there are no children without a cultural plan and that is great. What we can also say is that each and every one of those plans has been reviewed by a cultural services team member and endorsed and many times they are sent through to the team and reviewed quite extensively. There is a coaching program where the staff member will go back to the case worker and talk through what elements may be missing.

It is not just a tick and flick. It is a work in progress. It is a practice development opportunity and we have received feedback from the cultural services team that the plans have increased in quality and there is less rework going back and forth. So there is a quality assurance process now.

**MR WALKER:** How has family group conferencing been implemented, and how many children and families have not progressed through the statutory system due to the conferences outcomes?

**Ms Lopic:** In terms of the numbers, again, one of the key recommendations from Our Booris, Our Way—and we have had a significant program of work where we wanted to improve awareness in the community over the last 12 months about the program. That has been a significant shift in introducing the facilitators and getting out to community organisations. I understand the team have gone out to places like Gugan but also the AMC and other places to really introduce and reintroduce to the community what family group conferencing is. In terms of the numbers, we have had 21 completed this year. We have had 55 referrals into the program this year. The last part of your question was of the—could you just repeat the last part of the question?

**MR WALKER:** How many children and families have not progressed through the statutory system due to the conferences outcomes?

**Ms Lopic:** Not progressed through? I can confirm 21 have progressed through, so all of those—

**Ms Rule:** I think the question is how many children have not gone into the statutory care system as a result of family group conferencing. I suspect we do not have that data. It may be, given that this has been a pilot activity, the numbers are probably quite small. We do not normally report numbers less than five because people can be identified. We will need to take that on notice, I think—the specifics.

**MR WALKER:** I think it is important. We know family conferencing works, obviously preventing kids getting into the system. That is why the conferencing program was implemented, so that it stopped family being part of the statistics. I think maybe if you can provide that—and I will obviously make a commitment to recording those numbers—it will be good information for community.

**Ms Rule:** We agree that it works, which is why there is ongoing investment in family group conferencing.

**MR WALKER:** What new programs have been implemented to increase the level of early support responses for Aboriginal and Torres Strait Islander children and their families?

**Ms Rule:** It is a very broad question. I think Anne-Maree and Silvia have responsibility partly in terms of the child protection system, but we also have a range of programs delivered within CSD. Through, for example, the Child and Family Centres that we have. or the Child Development Service, where there are programs that are both targeted at Aboriginal and Torres Strait Islander children and families, for example—the Koori playgroups, the support to Aboriginal and Torres Strait Islander mothers. There are a whole range of programs we deliver through the Child and Family Centres and the mainstream programs we deliver that are also accessed by Aboriginal and Torres Strait Islander families. So there is a broad list of them. If you want us to list them, we can. Otherwise, we can provide a bit more information on notice so that you have that for your report.

**MR WALKER:** In the interests of time, if you take that question on notice that would be great. Provide that to us out of session, unless you have something that you want to add to that, Anne-Maree?

**Ms Sabellico:** Just to add to that, we have just gone out with our tender for the broader child and family services system and we have committed to transfer up to 100 per cent of the Aboriginal and Torres Strait Islander children, young people and families from the current non-Aboriginal and Torres Strait Islander services to Aboriginal community controlled organisations. That work is currently underway. We had the tender briefing last Friday, and we will now look at working with any Aboriginal community controlled organisation interested in providing any of the packages that we have available, which go from diversion—that is, out of the child protection system—to support for preservation and restoration, as well as doing the 24/7 foster care and kinship care services and some other packages. Then we will work with those agencies to develop the program of work that is needed to establish it from 1 July, when all the new arrangements will take place. We will also continue to grow capacity over the years post that in order to increase the numbers over time to have full transfer.

**MR WALKER:** Thank you. What has been the change in the number of Aboriginal and Torres Strait Islander children and young people referred to and engaged with restoration services from 2020 to 2023?

**Ms Rule:** I think we will have to take that on notice.

**MR WALKER:** Okay. Thank you. A community question: when was the last time the community panel reviewed cultural care plans?

**Ms Rule:** As Silvia said, the cultural plans have all been reviewed over the last 12 months.

**MR WALKER:** Has there been community involvement or was it just internal?

**Ms Rule:** It is an internal process. That is not something we would typically seek community involvement on—because of the information restrictions on child protection—in the review of those individual plans.

**MR WALKER:** Thank you. That is a sufficient answer. Can you provide an update on the establishment of community controlled organisations for early support and the statutory services for child protection?

**Ms Rule:** Anne Maree has probably just answered a lot of that.

**MR WALKER:** Alright. Thank you.

**Ms Rule:** I can make one more comment on that. We are very conscious, as we go out to market, for all those services to not lock us into something for a four-year period. We are conscious that the sector is rapidly developing. At the moment, we are locked into the arrangements we have with ACT Together. That is coming to an end, so we are building something that means that, as the sector develops, it is not going to be a case

of: “Who is ready to go on July 1?” It will be a case of: “As capacity increases, how do we transfer more out over the coming years?”

**MR WALKER:** Thank you. How has the Next Steps program incorporated community responses in relation to the effectiveness of programs to support Aboriginal and Torres Strait Islander children and their families?

**Ms Rule:** Next Steps is a broad policy document. It was absolutely developed with input from various parts of the community. We are now at the point of implementing a range of things, but not everything that is in Next Steps. It is an eight-year policy journey. There are some specific things that we can talk about now, including that procurement that Anne Maree has just outlined. It is really that first critical chunk of Next Steps, as well as all the reform that we are doing internally. It is quite a broad question. I do not know whether Anne Maree or Jo have specific examples. Next Steps was developed in conjunction with the community and we are now into implementation, and much of it is focused on early intervention, particularly for Aboriginal and Torres Strait Islander families.

**MR WALKER:** Thank you. We are receiving feedback that official visitors are being denied access to children in externally provided child protection services. How will the directorate address this?

**Ms Rule:** That should not be happening. That might be a quite specific example. It should not be happening, so, if it is, we would stop it. If there is some further information, out of session, that the community member could provide, we would be happy to look into it.

**Ms Sabellico:** We are required to inform the official visitors, the Public Advocate and the interim Aboriginal and Torres Strait Islander Children and Young People Advocate of any notifiable places for the purpose of visiting. We also inform both the Public Advocate and the interim Aboriginal and Torres Strait Islander Children and Young People Advocate of any children that are in those externally supported placements. We are talking about a very small number. There are seven placements outside of the current NGO placement provision.

**MR WALKER:** Thank you. Has the directorate developed and implemented mandatory reporting guidelines for working with Aboriginal and Torres Strait Islander families? And has this led to a number of Aboriginal and Torres Strait Islander children being reported to care and protection?

**Ms Rule:** Mandatory reporting is defined in our legislation. That is where it is defined. We do not have set guidelines. We have legislation that we are obliged to comply with. The legislation is currently under review, and, in the next 12 months, we will be rewriting the legislation—or we are currently rewriting the legislation. I am not quite sure how to answer that question other than to say the legislation defines how we deal with mandatory reporting.

**Ms Wood:** Anne Maree could speak to work we are doing with the mandatory reporters, for education and health in particular, about how we make sure people get the best support at the point at which they are supported.



**MR WALKER:** This is a community question: does Winnunga receive funding for child protection issues? Is that for public knowledge?

**Ms Sabellico:** Not under the current arrangements in terms of A Step Up for Our Kids, but they may get some money out of the CYFSP, but I would have to check with a colleague on that. No—they do not get money out of the CYFSP.

**MR WALKER:** Thank you.

**Ms Rule:** We may use them to provide services to individual children in care, but they are not funded to deliver programs.

**MR WALKER:** Thank you very much. I thank that community member for the question. Early childhood. The Australian Early Development Census data was released in 2022 for the 2021 survey. It showed that the percentage of Aboriginal children that were developmentally on track in all five domains has changed less than one per cent in three years between the 2018 and the 2021 census of 27 per cent. This is still less than half of the national target. We know that there are five Koori preschools and 100 additional places in 2024. How does the directorate intend to reach the 55 per cent target in the National Agreement on Closing the Gap in the next seven years?

**Ms Rule:** I will get Ms Evans to talk about the census while you take a breath. We are responsible for the census. We are not responsible for Koori Preschool, though.

**MR WALKER:** Yes; we—

**Ms Rule:** We are responsible for Koori Preschool?

**Ms Wood:** No; we are not responsible.

**MR WALKER:** For the health checks.

**Ms Evans:** Thank you, Member Walker. We are responsible for the census, and obviously that operates throughout our schools and in our kindergarten areas. You are quite right that we have had a very small change for Aboriginal and Torres Strait Islander children. Sadly, in the ACT we have had very minimal change across the last three cycles for all children. In fact, our Aboriginal and Torres Strait Islander children did slightly better than non-Indigenous children in the last cycle, which we are very pleased about.

In general, how are we intending to do better in that space? The government has formed an Early Years Working Group which brings together the Health, Education and Community Services Directorates. We collaborate to work on things like Set up for Success, which is the education strategy which includes the Koori Preschool approach. We also cover off on some other early development matters, including the AEDC.

We are working together as officials to talk about the ways we can improve outcomes for young children. We have recently negotiated, with the commonwealth, for some additional funding in terms of the AEDC, and we are putting to the minister some



proposals around how we could better get young children, three-year-olds, ready for school so that, when they hit school, their AEDC results are strengthened. Certainly, Aboriginal and Torres Strait Islander children are a focus group for us in terms of that additional funding. Minister Berry has not yet had the opportunity to make any decisions around that funding. We signed that agreement with the commonwealth this week, but we are hoping that we will have some pilots or some projects that we can do in the hope of improving those outcomes in the next cycle.

**MR WALKER:** Are there any new strategies that have been identified? How will CSD work with Education to focus on more work on achieving this target?

**Ms Evans:** There are some strategies related to our Child Development Service in terms of intervention with children which Ms Summerrell could go to. That is for two- to three-year-olds to get intervention around developmental delays and disability concerns. More broadly than that, it is probably more in the planning stages around waiting to see what comes out of the NDIS review. We will hear from the commonwealth later this year. We expect that the ACT will make some changes around early childhood development.

**MR WALKER:** We talked to ACT Health about the health checks, and they are only available for five-year-olds and older. We talked about the possibility of looking at the three-year-olds because of developmental issues so that we can identify them early and special measures would be put in place so that we can look at learning strategies for those young people.

**Ms Evans:** Yes. The Early Years Working Group are working on a proposal around three-year-old developmental checks. We expect to be able to put to the minister some suggestions around the appropriate way. Again, checking in on those small cohorts of children such as children in Koori Preschool may be an appropriate way to go forward with developmental checks.

**MR WALKER:** Jacinta, is there a funding amount set aside for that project?

**Ms Evans:** Not at this stage. As I said, we will put to the minister some suggestions around how we could use additional AEDC funding, but, also, some of these things could be subject to future considerations by government, depending on what the implications are. At this stage, we are really looking at what would be the most appropriate way to do this. There are some culturally appropriate tools around developmental checks that we could consider, but they have to not just be run-of-the-mill developmental checks that have been developed for non-Indigenous children. There is a little bit of work that we need to do around that, and there could be financial implications, but that is for government to consider.

**MR WALKER:** Thank you very much. Housing. How does the directorate support and promote the increase in Aboriginal and Torres Strait Islander ownership in the region? And what are the current ownership rates in the ACT, if you know that?

**Ms Rule:** You mean home ownership?

**MR WALKER:** Home ownership.

**Ms Rule:** I am sorry—those are questions for our colleagues in the Treasury. We can answer questions about public housing and public housing programs, but those go to issues of home ownership and that is not our responsibility.

**MR WALKER:** Okay. Thank you. How does the directorate intend to maintain the national agreement target to increase the proportion of the Aboriginal and Torres Strait Islander population living in appropriately sized, not overcrowded, housing to 80 per cent by 2028?

**Ms Rule:** Again, we can talk about this from a public housing point of view.

**MR WALKER:** That would be great.

**Ms Rule:** Strategies for this issue more broadly belong to other directorates, but we can talk about programs where we are providing public housing to Aboriginal and Torres Strait Islander Canberrans.

**MR WALKER:** If that question were rephrased to include public housing—

**Ms Rule:** That is the only part we can talk about. Perhaps Mr Aigner could give some data on the number of Aboriginal and Torres Strait Islander people in public housing and an overview of how we work with the Aboriginal and Torres Strait Islander community in providing public housing.

**Mr Aigner:** I have read and understood the witness statement. The number of First Nations people in public housing is around 10 per cent of the portfolio—that is around 1,100 tenants, and double that in terms of people in the household. As you know, Member Walker, we work with them through the system, in the application, the assessment and allocations. People have training to work with First Nations people.

**Ms Rule:** In terms of overcrowding, part of the decisions that we make around allocation include an appropriately sized property for the family. We would not allocate a one-bedroom apartment to a household of five or six people. One of the challenges of managing the waitlist is matching them with a suitable property when people get to near the top of that list. Absolutely, part of our process is to match people to an adequate property that meets their needs.

**Ms Wood:** Member Walker, could I just note that the ACT is already ahead of the national target for closing the gap, but obviously our aim—

**MR WALKER:** Yes—90 per cent.

**Ms Wood:** We started at a higher baseline, but our objective, under the ACT agreement, is to exceed that.

**MR WALKER:** Thank you.

**MS BOOTH:** How do you help the people that are in houses now that are overcrowded? And how are they moved to bigger properties?

**Mr Aigner:** There is a transfer program. People can go on our transfer register. The transfer register then gets prioritised, based on need. That will, in a way, go through a whole reassessment process. One of the aims of the Growing and Renewing Public Housing Program is to try to right-size our portfolio, particularly at the larger end of the portfolio, to provide larger houses for families that need them. But the transfer register is where that happens. Urgency within the—

**MS BOOTH:** Would Aboriginal people be prioritised? If there is a family of nine living in a four-bedroom or three-bedroom property, how does the manager then—because you have some people with medical conditions that might be prioritised over that overcrowded house.

**Mr Aigner:** There are a number of factors that go into determining the priority of a transfer, including medical issues, disabilities and what we may know from collaboration with our colleagues in CYPS. There are a number of factors that go into anything to decide urgency within the transfer system.

**MR WALKER:** Geoff, what is the current situation with supply and demand?

**Mr Aigner:** You were talking about the priority list. Our priority list has been decreasing over the last year. While the overall waitlist is slightly larger, our priority list has come down. If we go to supply and demand at a more granular level, we have a higher demand for one, four and five bedrooms than we have supply, and that is what we are trying to address through the growing and renewal program. There is an oversupply of two and three bedrooms, and that is also being addressed through the growing and renewal program.

**MR WALKER:** Thank you. The ACT recently received \$50 million from the commonwealth for social housing. How will that money be used to reduce the number of Aboriginal and Torres Strait Islander people experiencing homelessness?

**Ms Wood:** The consideration of how the government is going to use that \$50 million is being led by the Coordinator-General for Housing in the Treasury, but we are working very closely with his team on where the priorities are for housing in the ACT, particularly public housing, on consideration of the needs of the Aboriginal and Torres Strait Islander community and on the commitment to a Aboriginal community controlled housing provider as well.

**THE CHAIR:** How much of that \$50 million went to Aboriginal and Torres Strait Islanders?

**Ms Wood:** We have not allocated any of it—

**THE CHAIR:** You have not got it yet?

**Ms Wood:** It has not come to the ACT yet. It has not—

**MR WALKER:** It is generally for social housing.

**Ms Wood:** The government has not made a decision about how it will spend that money yet.

**MR WALKER:** Okay. Thank you. How will the ACT use the new National Housing Accord—a shared initiative between the federal and state governments to build one million new homes over five years from 2024 to support an increase in social housing available to the Aboriginal and Torres Strait Islander community?

**Ms Wood:** That again is a shared responsibility with the Coordinator-General for Housing and, from the CSD end, our strategic policy area, working to support the minister for housing in that conversation about that national agreement. We are putting forward into that the ACT's priorities for that national agreement. One of the commitments that we have made, and the minister has made, is to ensure that we are putting forward into that national agreement conversation the priority reform and ensuring that we are putting the priority reform objectives at the centre of what we put forward for that agreement. That is still a work in progress and that has still a way to go.

**MR WALKER:** Thank you. How much is allocated to Indigenous businesses to participate in ACT Housing programs?

**Ms Wood:** Mr Walker, are you referring to the TFM contracts?

**MR WALKER:** Any businesses. We know that a number of outside organisations of the jurisdiction have been around ACT Housing, asking questions about services like lawn maintenance and repairs and maintenance to public housing. We have 1,100 tenancies for Aboriginal and Torres Strait Islander people. We just want to know if there were any people from Indigenous businesses employed to that kind of activity.

**Ms Rule:** I think this goes to the Total Facilities Management contract that we talked about earlier, where all the repairs and maintenance work is outsourced to a single provider. They subcontract a range of providers, but I do not have the data on the number of those that may be Indigenous businesses, because that is managed by a contractor—

**MR WALKER:** Are we able to get that information, particularly if they are ACT based businesses?

**Ms Rule:** We can look at it. Subcontracting is a decision for the contractor—

**MR WALKER:** I realise that, but it would still be nice to know that if there are Aboriginal businesses employed through that contract. That is what we asked in the first instance.

**Ms Rule:** I understand the question. What I am saying is that we do not have visibility of the data they hold, but we are happy to look into it.

**MR WALKER:** Build a relationship with them. Sorry—I am just being cheeky. What is the current status of the proposed Aboriginal and Torres Strait Islander community controlled housing organisation?

**Ms Wood:** I can start and then Mr Aigner can expand. One of the things I would say to start with is that it goes to the conversation we have already had about the approach CSD is taking to build the Aboriginal community controlled sector and work with the sector, and the work that Mr Simpson is doing. In CSD, we are bringing all that effort together. We have had separate approaches across CSD and now we are bringing it into the Aboriginal Service Development Branch. That is still happening. The transition of the housing work into that branch is still happening. The work is continuing and some work has started to work with the community on that priority. I would also say that we are really conscious of that and have already started the conversation with the Treasury, which has policy responsibility for the community housing sector, to ensure that they are part of the conversation. We are looking at all options to support a community housing provider as well.

**Mr Aigner:** There are a number of phases to this work, and we are just coming to the end of the first two phases. Phase 1 was relationship establishment, looking at the community participation approach and the implementation framework. We use an Indigenous owned consultancy to help us with that. That is coming to an end. I understand that we have consulted with the Elected Body on that approach. We have also done an environmental scan of other jurisdictions and how they have handled similar transition of housing to ACCOs. We are now entering the community consultation and listening phase of the project which will allow us to develop options in phase 4, and then we will move to, hopefully, a new arrangement.

**MR WALKER:** In relation to that situation, the directorate recently made a decision without consultation with the Elected Body—it was a very important election commitment by the ACT government to the Elected Body—to set up the Aboriginal and Torres Strait Islander Housing Corporation and to transfer the two positions away from ACT Housing. Why was this decision made? And what is the rationale behind this decision, given that the Elected Body lobbied through the representative for those positions to remain with ACT Housing?

**Ms Rule:** Those positions have not been moved away from ACT Housing. They are working with Mr Simpson's branch on ACCO development as a whole. They are absolutely still working on housing issues. But, as I said, when we started to look at development of the ACCO sector, it became clear that we could not do it sector by sector, because, for example, any housing provider is going to work with providers of other services. Uplift of the sector as a whole was where we were going to get greater success. What we have done is move those two people, who are still working on housing, out of the frontline service delivery of Housing ACT and into the part of the organisation that is actually charged with developing the ACCO sector. We have just moved the part of the organisation that they sit in. It is a shift in reporting lines. They are still doing ACCO development as it relates to housing, but they are doing it as part of a bigger uplift of the capability of the ACCO sector that Mr Simpson's team is working on.

**MS CHIVERS:** Have they been part of that consultation in regard to that movement, that shift?

**Ms Rule:** The staff?

**MS CHIVERS:** Yes.

**Ms Rule:** Yes; absolutely.

**MS CHIVERS:** Thank you.

**MR WALKER:** That is the end of that. Disability services. How are Aboriginal and Torres Strait Islander families assisted to access specialist services for disability diagnosis? How many families have accessed that support?

**Ms Rule:** Ms Perkins will come to the table and help with some of the information on this. This is a tricky area. Just to give a bit of context, people will remember that, when the deals were done to set up the National Disability Insurance Scheme, that involved packaging the services that we delivered in ACT government and transferring the money to the commonwealth to deliver the NDIS. In the ACT, we have maintained some services, although those are limited. The NDIS review is looking at what has happened. As everything has gone to the NDIS, it has created some gaps. It is hard to get in. If your disability is not such that you are in the NDIS, then the services are hard to access. There is absolutely a live conversation happening. The commonwealth is doing a review. We are inputting significantly to that review and what it means for the ACT. That is just a bit of context. Ms Perkins can probably talk about ISRP and other things that happen in the ACT.

**Ms Perkins:** Thank you. The Office for Disability is in my division. There are two service provisions that the community's division is responsible for. There is the Child Development Service. Ms Summerrell can go into more specific details on the Child Development Service. There is also the Integrated Service Response Program where we provide crisis support for people with a disability.

Probably the most significant undertaking that we have had underway over the last year is seeking consultation with the community to inform the ACT's 10-year Disability Strategy. We undertook consultation late last year and into this year, including specific consultations with members of the disability community to inform our strategy. Our strategy sits underneath the national strategy. As Catherine mentioned, we are awaiting the outcomes of the NDIS review and the royal commission as well, but we are progressing those conversations to inform the ACT strategy with the levers that we have access to.

We were very privileged to have two members of our disability reference group, who are Aboriginal women, lead consultations with the community late last year. We had a couple of sessions with community members. We had close to 30 community members—people with a disability or families or carers for people with a disability—participating in those sessions. They gave us really rich insights into their experiences. As Catherine touched on, a lot of the feedback that we got was in relation to service delivery, but also, more generally, their experience—what is hard and what success would look like for people with a disability and the families and carers of those with a disability.

The participants in those sessions told us what good looks like—services that are led



and staffed by Aboriginal and Torres Strait Islander People, services and supports that are easy to navigate, and where carers are really well-supported as well. They also told us what was really hard: it is hard to find culturally safe services and support, the system is hard to navigate, and the services are not coordinated. Cultural safety in education for children with disability is really important and needs to be at the forefront of thinking. We heard about challenges for families with a person with a disability, including finding appropriate housing for them within their family structures. We also heard from participants that they have not had disability support services provided by First Nation service providers in their lifetime.

**MR WALKER:** Thanks, Anita. The guts of what you just said forms part of the next couple of questions, so thank you for that. I will read out the questions: how is the directorate assured that the services provided with contracts provide culturally appropriate disability services? Is part of the review or the work that you are doing trying to determine that?

**Ms Perkins:** Yes, correct.

**MR WALKER:** At the last hearings, the major issue for Aboriginal and Torres Strait Islander people was having plans but being unable to access culturally safe services. That feedback from community will obviously go a long way to answering some of those things. The last part is: how has the directorate responded to these issues and how many plans are in place for the ACT community? How many plans are activated? How is the annual assessment process impacting on the value and scope of those plans?

**Ms Rule:** When we talk about plans and assessments, we are probably talking about the NDIS; therefore that is provided by the commonwealth. The role of the ACT government is to provide services outside the NDIS and to advocate on NDIS. With the feedback from the community that Ms Perkins has just talked about, we would readily pass that on to the commonwealth and to the NDIS. We often hear from people, “I really need this service or this thing and I can’t get it from the NDIS.” That is when we sometimes get involved and talk to people in the commonwealth or in the NDIS and say, “We need some help here.” That advocacy role that we play, back into the commonwealth, is an important one.

**MR WALKER:** Youth justice is our next topic. What is the strategy to employ Aboriginal and Torres Strait Islander people across all employee levels at Bimberi, if any?

**Ms Sabellico:** Thank you for the question. Like the process we undertake across Child, Youth and Family, as well as more broadly across CSD, we are looking at what are the right pathways and avenues for recruitment, and the selection of Aboriginal and Torres Strait Islander staff.

Bimberi’s recruitment is done somewhat differently; they do an intake of new youth workers about three times a year. I think we are looking at four this year, but it is usually three times a year. In the advertising and everything else, there is certainly encouragement for Aboriginal and Torres Strait Islander people to apply. They also ensure that the assessment process covers off on questions and discussion around provision of cultural safety and cultural competence. They would also, if they have



designated positions, follow the CSD policy around identified positions.

**MR WALKER:** How many Aboriginal and Torres Strait Islander Bimberi clients have cultural care plans?

**Ms Sabellico:** As the numbers change, and some of the young people are only there for very short periods of time, it is a requirement that we complete a plan for young people who are there for at least six weeks or more. My understanding, from the last conversation I had, is that they were either all completed or in progress to be completed within the required time frame.

**MR WALKER:** We have received feedback from the community on issues with transport between Bimberi and the courts. Have you received any complaints from detainees regarding the transport?

**Ms Sabellico:** That falls under our court transport services, which sit under Justice and Community Safety.

**MR WALKER:** We will send those questions to Justice and Community Safety. The next couple of areas relate to family and domestic violence. We will send you those four on notice. Under domestic violence, the national agreement states that there needs to be a significant and sustained reduction in violence against Aboriginal and Torres Strait Islander children. What has the directorate done to improve its response to family violence and its impact on our community?

**Ms Rule:** Member Walker, did you say you were going to put these four questions on notice or a different four?

**MR WALKER:** No, I just noticed that they do not want to do that.

**Ms Rule:** I will hand over to Ms Windeyer to answer the questions now.

**Ms Windeyer:** Thank you, Member Walker. I have read and acknowledge the witness statement. Member Walker, could you repeat your question?

**MR WALKER:** Yes, I can. The national agreement states that there needs to be a significant and sustained reduction in violence against Aboriginal and Torres Strait Islander children. What has the directorate done to improve its response to family violence and its impact on our community?

**Ms Windeyer:** The *We don't shoot our wounded* report made recommendations in relation to addressing the high rates of family violence experienced by members of the Aboriginal and Torres Strait Islander community, and that includes children who experience domestic and family violence. We are committed to progressing implementation of the recommendations in that report. I am pleased to say that, after many years, and acknowledging the delay in implementation, some progress has been made in relation to that.

We have been guided by the Domestic Violence Prevention Council's Aboriginal and Torres Strait Islander Reference Group in relation to implementation of those

recommendations. That reference group worked with community members to identify all recommendations for priority action. That includes establishing a specific service for Aboriginal and Torres Strait Islander women. That was identified as the first priority. Following an open grants process, we are pleased to say that Yerrabi Yurwang has a strengthening families program which has recently been funded.

Recommendation 9 of the report is also a priority, which is to provide advocacy assistance and support to Aboriginal and Torres Strait Islander women. As Mr Simpson said earlier, Sisters in Spirit Aboriginal Corporation has been funded to establish an advocacy and support service for Aboriginal and Torres Strait Islander women and children in the ACT.

As Mr Simpson said, Yeddung Mura Aboriginal Corporation was also in our family and domestic and sexual violence grant process, and given funding to support families affected by family and domestic violence, including early intervention and diversion activities to men and boys.

There is a range of other activities happening in relation to implementation of the Sexual Assault Prevention and Response Program. That work was assisted by the Aboriginal and Torres Strait Islander consultation committee, which gave advice to the steering committee, and it delivered its report in 2001.

This year government has engaged Curijo, an Aboriginal-owned business and consultancy, to support meaningful engagement with Aboriginal and Torres Strait Islander communities to ensure that implementation of the recommendations in that report do bring an Aboriginal and Torres Strait Islander lens to them and that all of them—overall, there are 24 recommendations—are implemented in a culturally appropriate manner and take into account the voices. I could talk more but I think you will want to go to more questions.

**MR WLAKER:** Thank you. How are you going to measure that?

**Ms Windeyer:** Measure the outcomes?

**MR WALKER:** Yes.

**Ms Windeyer:** Across the varying different programs that we have, where we have pilot programs, we support and embed evaluation of the particular pilot programs. We do have grants under the national partnership agreement, which is a commonwealth and territory agreement in relation to activities to reduce domestic and family and sexual violence. As part of that, we will be evaluating those programs with a view to ensuring that there will be ongoing funding if those programs are successful.

**MR WALKER:** Does that include the activities that are run by the family violence hub?

**Ms Windeyer:** The family violence hub is a part of the office. There are innovative activities in order to try, test and learn in relation to things that might work to reduce and also improve responses to domestic and family and sexual violence. Yes, those activities have a focus on the Aboriginal and Torres Strait Islander community. If your

question is about evaluation, yes, there is a robust evaluation process for them.

**MS CHIVERS:** In relation to the funding you were just talking about, community are interested to know how much funding is allocated to Aboriginal and Torres Strait Islander sexual assault survivors in the ACT.

**Ms Windeyer:** Member Chivers, I am not sure that I could answer that question in terms of funding for Aboriginal and Torres Strait Islander survivors. There is a range of different responses that are funded for victim survivors of sexual assault. That is across a number of different services, which includes the Canberra Rape Crisis Centre and Victim Support. As to the number of Aboriginal and Torres Strait Islander victim survivors, I do not have that information.

**MS CHIVERS:** Would you be able to take that on notice?

**Ms Windeyer:** I can take it on notice; certainly.

**MR WALKER:** Thank you. How has the directorate progressed the recommendations of the *We don't shoot our wounded* report, and what changed outcomes have been achieved?

**Ms Windeyer:** Thank you for the question. I talked a bit earlier about the implementation of the priority recommendations of the *We don't shoot our wounded* report; perhaps that answers the questions. There has been progress, as I said earlier, in relation to the commencement of the implementation of the recommendations in that report. I am not sure whether you want further information.

**MR WALKER:** Thank you. Can you describe the programs to work with Aboriginal and Torres Strait Islander men and boys to develop solutions to support a primary prevention focus on domestic and family violence?

**Ms Windeyer:** Yeddung Mura Aboriginal Corporation's family, domestic and sexual violence Aboriginal support program has been funded to support families affected by family, domestic and sexual violence through activities such as men's diversion, a trauma-informed community education campaign, family-centred healing camps and yarning circles, and incorporating financial services delivered by financial counsellors.

**MR WALKER:** Do you know how many men and boys access the program?

**Ms Windeyer:** That program has just commenced. They received funding at the very end of the last financial year. My understanding is that, to date, eight men and boys have been through the program. I expect that will start to increase now that the program is up and running, as it is a new one.

**MR WALKER:** We have three minutes left and I want to squeeze OATSIA in. As I said to Catherine before, there are a couple of questions on notice that we will send to you, including some questions about the Elected Body and about the sector in relation to industrial relations reform.

**Ms Rule:** Of course.

**Ms Windeyer:** Would I be able to make a correction? I said that the Sexual Assault Prevention and Response Program was in 2001; in fact it was 2021. Thank you.

**MR WALKER:** Brendan, please provide an update on the treaty process.

**Mr Moyle:** The ACT government, as everyone is aware, committed to a treaty, as part of their last election platform. Initial conversations happened with UNEC. We are in the process now of developing a policy position which we want to take out to broader community in terms of what a treaty looks like.

We have to acknowledge that, in terms of treaty, we have to pay our respects particularly to traditional custodians and the land that they are on. We also note the size, density and dynamics of the Aboriginal and Torres Strait Islander community here in the ACT. We need to have a broader conversation about treaty as well—what that looks like for nation building, how that actually aligns with the commitments under Closing the Gap and the ACT Aboriginal and Torres Strait Islander Agreement.

**MR WALKER:** We understand that, through the healing and reconciliation funding, some funding has been provided by the ACT government to assist UNEC through employment of a dedicated secretariat as well as remunerating members through sitting fees. Can you provide an update on the ACT government's \$20 million Healing and Reconciliation Fund?

**Mr Moyle:** Absolutely.

**MR WALKER:** Before you go on, can you describe any other projects that are involved in that, and the criteria for it, if that is available to the community?

**Mr Moyle:** I will start in terms of the two primary projects that have been funded so far. \$102,000 was allocated last financial year to support UNEC's functions. I can take it on notice and provide additional detail in terms of what that \$102,000 actually comprises.

A second project in terms of the restoration of the Ngunnawal language, particularly with the Winanggaay Ngunnawal Language Group, has been funded. The total value of that is \$280,000-odd over a two-year period; \$191,000 was released in the last financial year to support that process.

In terms of the broad remit, we need to come out and work with the community. I look forward to the opportunity to work with the Elected Body and other key groups as well, because no other government anywhere has committed funding for healing and reconciliation. We also know that healing and reconciliation are something that needs to be broadly led by community and should inform both the treaty process and how we as government intersect and work with the community.

In terms of defining what the revised program guidelines will look like and the mechanism by which that funding can be distributed, we want to work with yourselves and other stakeholders on it.

**Ms Wood:** Can I make one clarification? CSD does support sitting fees for UNEC meetings, but that is not funded from the fund.

**MR WALKER:** Thank you. Can you give an update on what your involvement has been in the consultation for the referendum with the ACT Aboriginal and Torres Strait Islander community?

**Mr Moyle:** Absolutely. On a personal level, I have been participating in conversations. However, this is not about my personal activity; this is about our professional activity.

From OATSIA's perspective, we have been working to be able to support the conversations that are out there, whether it is through providing support, enabling and helping to enable the Elected Body to be able to go out and have those conversations, right through to supporting the Reconciliation Council to have those conversations.

The government's official position is that we are impartial, and we are supporting organisations, so that all entities and groups have those kitchen cabinet conversations, particularly based around the facts of what the voice actually is, so that people can make an informed decision.

**MR WALKER:** What is your strategy to support our community after the referendum, regardless of the outcome?

**Mr Moyle:** Those are conversations we are actually having now, in a preliminary context, in terms of the Reconciliation Council. Again, I look forward to coming out and getting myself onto the agenda with the Elected Body.

We do note that there are some worrying trends in terms of the polling. Almost daily, there is news from both sides—both camps out there. If the referendum gets up, we will need to launch quite significant community consultation in terms of what that looks like here in the ACT. If it does not get up, we will also need to start to have conversations about reconciliation and what that actually means. We know there is a lot of racial vitriol, not just within this community but nationally.

We know that a lot of Aboriginal and Torres Strait Islander people have been hurting through this process because of some of the comments that have been made. I have heard through very good authority that there have been elders that have been abused, their cars damaged—a whole range of things. I think we have an obligation, in terms of how we work with community, to look at that healing and reconciliation process moving forward.

**MR WALKER:** One of the conversations that has been taking place is around support for Aboriginal and Torres Strait Islander people within the agencies as well, in relation to non-Aboriginal people approaching Aboriginal people, particularly if they have views on racism or racial connotations in their conversations; also, obviously, if they are voting no in the process. There are a lot of issues—social and emotional wellbeing issues—in relation to that. Hopefully, through CSD, there will be support for staff in relation to that as well, Brendan.

**Ms Rule:** These conversations need to be respectful, regardless of what your position

is—yes or no. I would expect that, in the workplace, those discussions, where they happen, are happening with respect. On any basis, if any member of my staff is not treating their fellow staff members with respect, I want to know about it, and we will deal with it. That is not the workplace that I want to build. People need to be able to have respectful conversations about difficult issues. But there is no place for racism, vitriol or arguments about who is wrong or right that are not respectful.

**MR WALKER:** Thank you, Catherine. Brendan, with the OATSIA unit, how many staff members are there? What percentage of those are Aboriginal? Are there any identified positions in the unit?

**Mr Moyle:** Currently we have an FTE allocation of about 17 staff in total. We are currently running at about 14 staff. All bar two identify as being Aboriginal and Torres Strait Islander. We are in line with CSD's commitment, particularly about strengthening connections to community, and particularly testing how we actually recruit staff who have that cultural capability and cultural competency.

**MR WALKER:** There being no further questions, Catherine, I thank you and your staff for coming along to join us. Thank you very much to all the staff who have participated today, and we will see you again soon.

**Hearing suspended from 12.36 to 1.01 pm.**

## Appearances:

## Transport Canberra and City Services Directorate

Playford, Ms Alison, Director-General, Transport Canberra and City Services

Corrigan, Mr Jim, Deputy Director-General, City Services

Clement, Ms Sophie, Acting Executive Branch Manager, Infrastructure Delivery

Iglesias, Mr Daniel, Executive Branch Manager, City Presentation

McHugh, Mr Ben, Deputy Director-General, Transport Canberra and Business Services

McGlenn, Mr Ian, Executive Branch Manager, Bus Operations

Haraldson, Mr Anthony, Executive Branch Manager, Light Rail

McMurray, Mr Kerry, Chief Executive Officer, Canberra Memorial Parks

Hughes, Ms Cherie, Chief Operating Officer, Office of the Chief Projects Officer

Doran, Ms Karen, Acting Chief Projects officer, Office of the Chief Projects Officer

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

**THE CHAIR:** My name is Tanya Keed, and I am the chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all the members of the Elected Body and would like to introduce them now: Paula McGrady, Deputy Chair with portfolios for Transport Canberra and City Services, ACT Health, and our representative on the Coalition of Peaks; Maurice Walker, member with the Education and Community Service portfolios; Jo Chivers, member with the Justice and Community Services portfolio; and Deanne Booth, member with the Major Projects Canberra portfolio.

We would like to thank TCCS for their partnership with the Elected Body and working to improve Boomanulla, and their continuing commitment to working in partnership with the Elected Body. Could all witnesses that give evidence during the hearing please acknowledge the witness statement for the record. I would like to invite Director-General Alison Playford for any opening statement before commencement of questions. Could you please limit your introductory comments to two minutes.

**Ms Playford:** Thank you. I recognise the witness statement. I would like to start by acknowledging that we are meeting today on the lands on the Ngunnawal people and acknowledge other people or families who have connection to this land in the ACT. I recognise the continuing culture and the contributions to the life of this city, but also recognise the importance to the work that we do in Transport Canberra and City Services, and in particular the work that we do around the maintenance of the urban landscape, noting the important connection of the Aboriginal people to the land and the importance of us having partnerships in doing the work that we do. Thank you.

**THE CHAIR:** Thanks, Alison. I will now pass to Paula to ask questions.

**MS McGRADY:** Thanks, Tanya. We will start by considering the four priority reforms of the national agreement. My questions will be related to those four priority reforms. Priority Reform 1 is partnership and shared decision-making. How is the directorate working with the community to share decision-making to provide increased and improved outcomes for the Aboriginal and Torres Strait Islander community? I have a few dot points. I can go through those dot points one by one, or do you want to answer that first?



**Ms Playford:** I am happy to answer that first. The way I was going to answer it was in a generic way and then I will ask a couple of areas of the directorate to perhaps showcase where we are starting to improve those partnerships. We are very conscious, in our discussions with Paula, that this is an area where we are still growing in our maturity. We very much appreciate our relationship with Paula and the Elected Body in helping to guide us. One of the concrete steps that we have taken recently that has been helpful for us is formally appointing a cultural advisor for the directorate. We are very lucky to have appointed Jacob Collins to that position. Jacob has been an invaluable source of advice to our leadership team on how we can strengthen the partnerships that we have with Aboriginal organisations.

We have recently launched, through the work of Jacob, the Cultural Integrity Framework which provides a bit of a guide around that, and our Reconciliation Action Plan—our third one, which is a Stretch RAP—which we are finalising with Reconciliation Australia at the moment. A very key focus of that—and this is very much the advice of Reconciliation Australia—is that this is the area where we need to focus on strengthening what we do.

We have such a diverse directorate, so I will ask a couple parts of our directorate to showcase some of the things we are doing. I might start with cemeteries. I will ask Kerry McMurray to talk about some work we have been doing in developing partnerships in some of the design work for Southern Memorial Park, and then I will ask Anthony Haraldson to talk about some of the partnerships as we have developed our Reconciliation Action Plan, and will ask our Infrastructure Delivery team to talk about some of the partnerships they have been starting to develop as they roll out our Suburban Infrastructure Program. We will try to keep it fairly short for each person, because I am conscious that we have limited time.

**MS McGRADY:** You might see us on our phones. There are community observers today and they are forwarding questions. That is what we are doing.

**Ms Playford:** Sure. That is fine.

**Mr McMurray:** Thank you. I acknowledge the witness statement. Regarding Southern Memorial Park Stage 1, we have been through a process of detailed design for Stage 1 and that included consultation by engaging Bagariin Ngunnawal Cultural Consulting, in consultation with the architect's design. They conducted a yarning circle in April. The main purpose of the consultation was to ensure the new facility meets the needs of the Aboriginal and Torres Strait Islander people of Canberra and that a culturally safe place is provided for them.

There were two pieces to it. One was that part of the development site was identified as culturally significant. It has a scar tree. The other part that came out of the yarning circle was the development of four project cultural themes which involved Ngunnawal cultural elements, Ngunnawal cultural practices, Ngunnawal language, and Ngunnawal storytelling. These recommendations and themes are now being incorporated into finalising the design for Stage 1 which will be lodged sometime towards September.

**THE CHAIR:** How often do the yarning circles meet?

**Mr McMurray:** That yarning circle was specifically done on country for that site. Regarding the group that we used to do that, they evidently use that as their preferred means of consultation.

**THE CHAIR:** That is just a one-off?

**Mr McMurray:** For that project—yes.

**Mr Haraldson:** I have read and understand the witness statement. The journey with our next RAP, the Stretch RAP, commenced last year, early in 2022. It has been quite a journey working with Reconciliation Australia and seeking advice from our elected member. We saw the journey taking maybe 12 months and quickly realised it was going to take a bit longer. Through the process, we have also assisted CIT in the work that they are doing in providing advice on their next RAP. One thing that we noticed from Reconciliation Australia was the meaningful engagement with the Aboriginal community. In the next RAP, which is currently with them for conditional approval, you will see a lot more meaningful engagement. That is the feedback we received.

It is not just about statistics or providing small incremental steps; it is actually about how to engage with the community. We engaged Curijo, as a business, to assist in putting the RAP together. We formed a working group in TCCS, and we got representatives across the directorate to be part of that. Curijo undertook a few working group sessions where we could do some workshopping about some meaningful actions across the directorate in what we do. TCCS is really lucky with the work we do. A lot of it is on country, making sure that we got out there and saw what could be done on country. That was one.

The other one would be the Reconciliation Action Plan artwork. We went out to the market a couple of months ago and engaged Arts ACT. We sent an EOI email out to as many people as we could to seek submissions for that artwork. We have finalised that and we have engaged a local Ngunnawal artist to be part of that. We had a Ngunnawal person represented on the evaluation panel: Dr Caroline Hughes. We also had an Indigenous employee from TCCS. That was a really positive step forward in engaging with the community about what we were looking for with the artwork. Lynnice Church and her daughter Leilani Keen-Church have been successful in doing the next artwork, and that continues the journey that we are on with them as well.

**MS McGRADY:** Thank you. I will read the other dot points and will see what they cover. How many new formal partnerships has your directorate established since 2020? How are they resourced? What has been achieved? And is information publicly available?

**Ms Playford:** Sorry—I should have let you do the dot points. In terms of the total number, we might need to take that on notice. I am not sure that we have the exact number. As I said, I was just trying to showcase a few of the examples. We resource them through our business areas and we have more and more. As you have seen from those two examples so far, we are having more contractual relationships and are partnering with Aboriginal organisations through services. We are also thinking about how we do things differently.

For example, we have a cadetship program in our City Services area and we have a partnership with Pipeline, which is a recruitment company that has been really helpful in a number of our recruitments for a range of positions, both identified positions and non-identified positions. That has been a great company that has helped us to identify Aboriginal candidates for roles for everything, from domestic animal services to the cultural advisor position. We use them for our cadetship, and they certainly identified people for us, but there have been issues around retention of some of those people, so we are looking at whether we should—on advice from Jacob—look at reaching out and partnering with organisations like Gugan, in terms of how we fill the positions that we have identified in our cadetship program, for example. We have some plans for some further partnerships that we have not done yet. All those things are resourced out of each of the budgets. We can probably pull out the numbers and take that on notice for you. I missed the third dot point.

**MS CHIVERS:** When you do that, can you check the way that “partnership” is defined in relation to Priority Reform 1—what “partnership” means in that priority area?

**Ms Playford:** Okay.

**MS CHIVERS:** Perhaps you can check the definition as per the National Agreement on Closing the Gap and make sure that whatever you provide is in relation to how it is defined in that agreement.

**Ms Playford:** Yes.

**MS McGRADY:** And the difference between partnerships and contracted services as well.

**Ms Playford:** Yes. The examples we have given have been contracted services. That has been a way to try to acknowledge the time those people have taken in partnering with us to provide us with advice around how we proceed. I understand the distinction.

**MS McGRADY:** Thank you, Alison. Provide three examples of where you have shared decision-making with the community in line with the ACT agreement. The two dot points I have are: how are decisions formalised, and to what level are they funded?

**Ms Playford:** Boomanulla Oval and what we are doing there might be a good example for us to use.

**MS McGRADY:** We will come to Boomanulla Oval as well, so, if there is something different that you want to say on Priority Reform 1, we will come back to Boomanulla in another part of—

**Mr McHugh:** I acknowledge the witness statement. Thanks for the question, Paula. There are a number of examples where we, as an organisation, are facilitators of services for the community more broadly, which is slightly different to other government agencies who might be delivering specific services for specific community groups. A lot of our service delivery is inclusive in its nature. If I use transport as an example, we are often thinking about how we make transport the most accessible and

inclusive service we can deliver. That means we have to explore what it means to people in different places.

The example I will use around that particular question is that there was a request for us to investigate how to provide a better service to get kids to preschools, particularly to the Koori Preschools. Through Education, we worked with those school communities to understand what their transport needs were. The gold standard would have been a designed service to pick up specific kids and get them to specific places. The unfortunate nature of government is that we have limited resources, so we worked with those groups to understand the next best opportunity we could provide as a transport service to those groups.

Getting the kids from the preschools to visit sites, do excursions and other things was cost-prohibitive in a lot of ways. Schools are funding-challenged as much as other services. We now have in place an agreement where we provide free-of-charge chartered services to the Koori Preschools to go on excursions and get to other schools to learn from things and other places around town. That is an agreement that I am pretty sure is in writing. I will get confirmation on that.

**MS McGRADY:** Yes, please.

**Mr McHugh:** That was developed through a conversation about understanding what the need was, what our service provision offering was, and how to best bring those things together to get the best outcome.

**MS McGRADY:** Thanks, Ben.

**Ms Playford:** You asked for a couple of examples.

**MS McGRADY:** If you have another one—yes.

**Ms Playford:** Sophie in Infrastructure Delivery is keen to showcase some of the stuff she has been doing.

**Ms Clement:** I acknowledge I have read and understand the witness statement. I think this example fits. It is through a commercial contract. However, it supported how we engaged with community. As a delivery agency, Infrastructure Delivery has been looking at ways of incorporating engagement with the community into some of our business documents to make sure that flows into how we delivery projects.

For one of the projects in the last two years, which was a series of playground upgrades across six suburbs in Canberra, we trialled using a new consultant that we had not used before—a local Indigenous consultant, Bagariin. Through that service, each of the playgrounds had an assessment done on a locale and suburb area, thinking about themes for that suburb that relate to Indigenous culture. That consultancy consulted with the local Indigenous community to develop themes that were suitable for that suburb and considered some artwork that might be appropriate or could be incorporated into the play equipment. That was followed through to the design phase, and we will see those constructed over the next 12 months.

That was an opportunity. I believe that is a new consultancy. They have a Ngunnawal person leading that, so they were able to have links to community to assist us and do some of that consultation on our behalf to bring ideas and, in a way, have decision-making from community about what would be appropriate to feed into those designs.

**MS McGRADY:** Thank you.

**MR WALKER:** What is the name of that organisation?

**Ms Clement:** I might have said it incorrectly because I flick between the two, but it is Bagariin, I believe.

**MR WALKER:** And who is the—

**Ms Clement:** I have forgotten his name, but I can find out for you.

**MR WALKER:** Do you know?

**MS McGRADY:** Not off the top of my head—sorry. Priority Reform 2—building the ACCO sector. Regarding engagement with ACCOS, how many local, ACT based ACCOs have you worked with in the last two years? Who are they? I come back to the points. How have you helped existing ACCOs to grow in size or to grow in scope for services? How are you progressing with transitioning services to Aboriginal community controlled organisations? And what new community controlled organisations have been assisted to be established?

**Ms Playford:** As I said, this is an area where I think we are still developing maturity as a directorate. We have not had the relationships that I had when I was Director-General of the ACT Justice and Community Safety Directorate, when I had very direct relationships with Winnunga and Gugan. Those relationships have not been as direct in this directorate, although we are exploring the possibility of reaching out and seeing where we could have an arrangement with Gugan.

The area that we have been focused on is around Boomanulla Oval. We probably have not gone as fast as we would have liked in that area. I might get Daniel to talk about the approach we have had to try and develop capability so that there could be an ACCO in that area at Boomanulla. Do you want to wait and talk about Boomanulla separately?

**MS McGRADY:** We can bring up Boomanulla later. On the Indigenous Procurement Policy, what is the number and value of contracts that you have that support the IPP?

**Ms Playford:** Cherie Hughes, our chief operating officer, has come prepared with that set of statistics for us.

**Ms Hughes:** I have. I acknowledge the privilege statement. Thank you for the question, Paula. We are finalising the figures for the financial year that has just ended. It is between \$1.7 million and \$2.5 million. We are getting confirmation that we have them categorised properly before we finish. That is about one per cent of our addressed spend for the directorate.

Of note, one of the largest contracts is with Lack Group. That is a million-dollar contract. That constitutes about 60 per cent of that spend. They have been engaged to do temporary traffic management for the directorate. Other providers that we have include Corroboree Empire who have been engaged to do cleaning for the directorate, and that is for \$307,000. We have a number of providers who have been helping us in the people and capability and HR space. Organisations such as Curijo, Pipeline and First Grade Group have been in that space. There are 25 companies in total. I should have led with that. There are two quite significant ones, and the other ones tend to be smaller in size. The policy the ACT government has with regard to Aboriginal and Torres Strait Islander procurement helps in that space. We can go directly to them and engage them for particularly those smaller-value contracts, under \$200,000.

**MS McGRADY:** Thank you, Cherie.

**Ms Playford:** I might just add that, in our capital works in Infrastructure Delivery, we often have contracts with large providers who also have an obligation in the contracts that we have with them in relation to Aboriginal employment and various KPIs that we set for them in those contracts. That is a very large part of our spend. We are an agency that delivers a lot of capital works. We have 262 projects at hand at the moment. That has been something we have been focused on in those contracts.

**MS McGRADY:** Thank you. What are the requirements in contracts for grants that require specific outcomes for Aboriginal and Torres Strait Islander people? And how do you monitor compliance with those contracts?

**Ms Playford:** We have reporting on all our contracts where there are provisions like that, as to how they are being met. We monitor them and we try to make sure that they are being met.

**Ms Hughes:** There is not a standard thing that goes into all the contracts that the directorate would have. They would be tailored for the different contractors and the consultancies that we are engaging. The contractor is absolutely responsible for making sure that, if there terms and conditions that they need to meet, they manage those for the life of the contract. But there is not one specific clause or outcome that we put across the board. They tend to be quite unique.

**MS McGRADY:** What are the other specific requirements that non-Aboriginal and Torres Strait Islander organisations must have—and I have a couple of dot points—to guarantee service access to the community; Aboriginal and Torres Strait Islander staff within the organisation; representation on the board; and how they procure services? You might have covered—

**Ms Playford:** Jim, did you want to add to that?

**Mr Corrigan:** Yes. There is the previous point as well: the traineeship program that Alison touched on. We call it a cadetship trainee. We have to call it a traineeship program because “cadetship” actually means something different under our EBAs. We engaged Onpoint to help with that. The origins of the traineeship program is in City Services, particularly in our field workforce—the guys in the orange high-vis. Twenty-six per cent of us are 55 or older, so we have quite an ageing workforce. The traineeship



program is designed to start bringing in younger people, particularly school leavers. This was the first year. This year was a pilot year—the first one that kicked off. We had six positions and two were identified.

We asked Onpoint to assist us. They assisted us and identified seven people for the two positions. Unfortunately—as Alison touched on—one dropped out right at the start. Another opportunity came up and they had to relocate. The other person did not quite work out. The point is that we are trying to do that. Over time, we would like to build up that traineeship. It is funded by vacant positions in the City Presentation workforce, which is a pretty big workforce. People come and go. That is how we make the positions available. That is how we are funding it.

The engagement is through Jacob. Maybe Gugan could assist there because we would like to grow the number of identified positions. It is an 18-month traineeship program. They will learn a bunch of skills and they will hopefully be able to stay in the workforce. It is all about doing things out in the field—caring for all the places we look after and mowing. There is a whole bunch of skills they will learn. The pilot, unfortunately, had limited success, but we want to build on that. In terms of engaging, whether it is Gugan or others, that is something we will look at. We will probably keep talking to them about that—how best and who best to engage. This is potentially a really good thing across the board, particularly for getting more younger people into our workforce, which is ageing.

**MS McGRADY:** Thank you.

**MR WALKER:** The question also points to the company that you engage in your contracts. The question is: how do you guarantee services are directed at our community? You put those specific requirements in place: “If we are going to negotiate an agreement with you, we want you to employ a certain number of Aboriginal people or contract a number of services.” Those are the kinds of statistics that we are looking for with that question.

**Ms Playford:** We have a lot of contracts right across the directorate. We can probably get back to you with some more specific examples. For example, there are things like major infrastructure, like the Molonglo bridge contract. That will have in it particular KPIs in areas like Aboriginal employment. We will be monitoring those as we go through it, including the number of apprenticeships that they have. The Monaro Highway one also has those sorts of clauses. We have some very big-dollar contracts. We have a couple out in the market at the moment. The big one we have out in the market at the moment is about household waste, which is basically the picking-up-bins services.

Our previous contract was a 10-year-old contract. It is going to be a long-term contract, and we have worked very hard to think about how we can get some better KPIs and how we can require those companies to have a reconciliation action plan and put in various provisions. But, as Cherie said, we have not moved to the maturity level, but we have standard clauses in all those contracts. Do you want to add to that?

**Ms Hughes:** Paula mentioned boards as well. TCCS has a number of boards. We have the Veterinary Practitioners Board and we have the cemeteries board. Those two boards



in particular are always looking to have diversity on those boards. We use the Diversity Register, but also make contact with the Office of Aboriginal and Torres Strait Islander Affairs when we are doing that recruitment. As you would be aware, we have one identified member on the cemeteries board, but we also have one on the Veterinary Practitioners Board, as the community member.

**Ms Playford:** It is hard to get people for our Tree Advisory Panel, so we will be talking to you about that. To me, that seems like the sort of panel that would be of significant interest and significant value to us, with the knowledge that someone could bring. That is one we will be looking at in the future.

**MR WALKER:** How do you monitor compliance with those contracts?

**Ms Playford:** We require those companies, particularly in those big infrastructure contracts, to provide us with monthly reports. We have contract managers who ensure compliance, and we are raising those issues with the project managers on the ground as we go through those contracts. Also, in my role, I sit on the board for a number of the major projects. You have Major Projects Canberra later today. We certainly discuss them at each of the board meetings. We get a formal report around the company's performance against all its different areas, which includes information to us on how they are performing against the key stats—for example, light rail, the hospital, and CIT contracts. We actively discuss what we can do to encourage those companies to improve, if necessary, and how they are performing in those areas.

**MS McGRADY:** Thank you. You may have already answered this question, but I will read it out for the record. How are you engaging with Aboriginal and Torres Strait Islander businesses? How many contracts have you entered into with Aboriginal and Torres Strait Islander business?

**Ms Hughes:** I did not bring the number of actual contracts.

**MS McGRADY:** Can you take it on notice?

**Ms Hughes:** I will have to take that on notice—yes.

**MS McGRADY:** Thank you. As a percentage of spending, how much is spent on Aboriginal businesses, as a breakdown of products and services?

**Ms Hughes:** That is probably the answer that I gave at the beginning. That is the \$1.7 million to \$2.5 million—to be confirmed when we do our final statements—and there are 25 different companies.

**MS McGRADY:** Thank you.

**Ms Playford:** Probably the big areas are the traffic management contract, the cleaning contract and the contracts that we have through our City Services program.

**MS McGRADY:** Thank you. Priority Reform 3—transforming government organisations and the ACT agreement. How is your directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Ms Playford:** We have a number of specific actions under the agreement that we are responsible for, but I would say, at a much more generic level, that what we have been trying to do as an executive team is improve our own understanding about the deficiencies in the services. As I said at the start, probably the smartest thing that we did was create the cultural advisor position. Jacob has done some fantastic work in strengthening the peer-to-peer network that we have throughout the directorate, which is trying to provide a safe space for our Aboriginal staff who are involved in particular services, whether they are bus services, city services, domestic animals, libraries or whatever—actually having conversations around where our services have potential elements of systemic bias and where they could be improved. It is about trying to create a safe space where our staff can help us.

We are trying to strengthen our executive cohort through our own cultural learning practices. We are looking at, for example, putting aside some places for a CIT course for some executives around improving cultural safety in their workplaces et cetera. You have to get the fundamentals right around understanding cultural integrity and what makes a place a culturally safe place so that we really can understand it within our own organisation. To me, that will inform the services that we are providing for our clients.

We have a number of specific services. The community bus is a good example. Libraries run a whole range of services. But, unless our staff and our leadership teams can really understand, we can blindly deliver those services without actually understanding whether we are doing that well. What I am trying to do is actually improve the cultural competence of our executive leadership team but also the team below that. We are planning to do some surveying of our managers around what their current cultural competence is and then we will use that as a baseline and keep doing that each year.

Again, we got some great advice from Jacob about how we can get some practical data, because we have been struggling to frame what success looks like. We have been having a lot of conversations about our Reconciliation Action Plan and the advice that we need to better look at how we partner and those sorts of things. That has been the core thing we have been focused on—the internal. I do not know whether anyone wants to add to that, in terms of some of the other bits we are doing.

**Mr Corrigan:** Since the last time we met, we have developed a culturally sensitive guideline for our City Presentation staff. We developed that since the last time we met, because it was through the COVID years. It has been quite useful. Daniel, do you want to help explain that? It is something Jacob Keed initiated to help our City Presentation staff in their day-to-day work. It is about recognising culturally sensitive areas in the day-to-day work. It is making inroads. It is helping the way the team thinks.

**MS McGRADY:** Thank you.

**Mr Iglesias:** Good afternoon, everyone. I acknowledge the witness statement. We sent a staff member to Garma this year. We sent her with a specific task in mind, and that is that we wanted ideas about how we can better understand what we can do in our everyday work to promote culture. Last year, Jacob Keed—the other Jacob in our team—did some work with the traditional custodians.

**THE CHAIR:** Why send them to Garma when you can get that here?

**Mr Iglesias:** Lots of different things. Garma is one option. There is engagement with the traditional groups, traditional owners, the locals. We did that last year. We invited them and we asked, “What do you want to see in the day-to-day work that we do?” We got some really good feedback around signage and opportunities for young people to give advice to us about how we look after certain parts which are of cultural significance. We also got some ideas around how we ask the community to get involved. We heard that it is no good just putting stuff out on the radio or in the paper. You have to connect with our networks and you have to speak to us. That sort of grassroots engagement is something that we are looking to improve. To feel culturally safe is just as important as traditional workplace health and safety. It is the same thing.

**MS McGRADY:** Thanks, Daniel. How do you work with other directorates?

**Ms Playford:** In this area particularly?

**MS McGRADY:** Yes.

**Ms Playford:** We try to partner where we can. I am hopeful we will have positive outcomes for Aboriginal and Torres Strait Islander people, because of the over-representation of Aboriginal and Torres Strait Islander people in the justice system. We recently signed a formal MOU with Corrections around how we can work with them. One of the things our directorate has is lots of different jobs, because of our diversity, so we are trying to do work placements, particularly with the Community Corrections team and also with the Throughcare team, ensuring that our supervisors get appropriate training et cetera, so we can make that successful. We are trying to make a contribution in terms of some of the outcomes in the justice area.

Ben has already referred to where we have been trying to partner with the Education Directorate, specifically with individual preschools around how we can provide services to assist kids to get greater knowledge and do excursions to places of cultural significance et cetera. That is probably another example of what we are trying to do.

**MS McGRADY:** That was in relation to our ACT agreement, which feeds into the National Agreement on Closing the Gap.

**Ms Playford:** Yes. The other one is libraries. That is another area where we have particular actions. I might get Shane to talk about that. We have particular actions under the ACT Aboriginal and Torres Strait Islander Agreement, which obviously feeds into closing the gap. With our Reconciliation Action plan, we have tried to align all our actions so we are not doing a million different actions. We are trying to focus on those. The way we deliver our library service is probably another example.

**MS McGRADY:** I have a question with regard to libraries. That was coming up later, but I will ask it now while you are at the table and you can just segue into it. In previous years, libraries presented on Storytime and other related programs. How are libraries working to support literacy in high school? Is there anything else that you want to add?

**Mr Cummings:** Good afternoon. I accept the witness statement. I will talk about the cultural competency that Alison was talking about before. With libraries, we are very culturally aware as far as developing our programs and services are concerned. We have a full-time Aboriginal coordinator who informs all our events and our programs to make sure that we have the very clear emphasis on delivering appropriate services to Aboriginal and Torres Strait Islanders.

We also recently completed cultural competency training for all our frontline staff so they are very much aware of that as well. That was across all 10 of our library branches, including the ACT Heritage Library. Regarding the programs that you mentioned, Brian is our Aboriginal coordinator. He works as part of our outreach and programming team. Everything that we do, including, as you mentioned, specific Storytimes, will have that element too.

Perhaps I could go through a couple of examples of recent activities that we have been doing. At the Heritage Library, as part of the ACT Heritage Festival, we undertook Ngunawal language classes. We had three sessions over the April period of that festival. Each session was very popular and overbooked. We delivered that to 84 people. We tried to squeeze them in. We also had a very successful partnership with Vinnies and the ACT not-for-profit sector in NAIDOC Week to deliver an event for the whole community out of Woden Library. That was very successful. Perhaps some of you came to that. About 300 people attended that one. We had many interesting and engaging program activities, plus stalls out the front as well. That was very well received by the community.

There is one other thing that I wanted to mention. We have also contracted Coolamon Advisors. They were delivering the BADJI program across our service, in all our libraries. There were drop-in sessions at the libraries to talk to Aboriginal and Torres Strait Islander community members about accessing advice and services to start a business.

**MS McGRADY:** Thanks very much.

**Mr McHugh:** I might just add to the question that had a specific reference to high school literacy. The libraries really are a lifelong learning institution as part of our community. They have a much bigger impact with early childhood and younger children, but also with our older members of the community, so with people who are starting to re-engage with their libraries later in life. We do not have a lot of specific direct engagement given that lots of high schools will have their own library services and library functions.

So, our focus in libraries tends to be at the bookends of the community rather than in the middle of that education journey, but introducing things like language at those early ages is critical from our perspective in giving people enough knowledge and interest to latch onto that and take it with them through their learning journey through life. Now we are finding, as things change, a lot of people who are only discovering the real history are coming back to libraries as a source of truth of real information, including local information about local Aboriginal culture.

**MS McGRADY:** That is really good information to know. Stock those libraries up with

that truth telling information.

**Mr McHugh:** Yes. Absolutely. That is a focus for us.

**Mr Cummings:** There is perhaps one other thing to add to Ben's comment. We are co-located in three of our locations with high schools, so we do have a lot of students who are aware of our programming. Perhaps just to talk about the actual collections in the library; we have 3,331 items written by Aboriginal and Torres Strait Islander authors or have significant Aboriginal and Torres Strait Islander content. Just in the last 12 months we have ordered 607 new items in that category, including 241 new DVDs on Indigenous topics. We are going through a process as part of one of our reconciliation action plan items to identify those so that it is very clear and obvious that it is a collection material of cultural significance and we put an Aboriginal flag on the spine or on the DVD case to identify those materials.

**MS McGRADY:** The next topic is under priority reform 3, systemic racism. What have you done to review your legislation, policies and processes to identify and remove systemic racism? Three dot points, if you want me to come back to them, I am happy to—

**Ms Playford:** No, do the dot points.

**MS McGRADY:** What has the directorate implemented to address systemic racism; what legislation has been reviewed and amended; and what policies have been reviewed and amended?

**Ms Playford:** I am going to get Petra Crowe from our People and Capability to come, but to start with I might just say at that really high level, I think again for us, having a cultural advisor, improving cultural safety within each of our workplaces and improving the cultural competency of our leadership team in particular but all of our staff, is at a very generic level part of how we raise that awareness. I will hand over to Petra to specifically answer some of the question.

**Ms Crowe:** Yuma. I acknowledge the privilege statement. Being responsible for our people internally in TCCS, we have a range of programs that we deliver to raise awareness and educate our staff around what is acceptable behaviour. We definitely take a zero tolerance approach for any instances that are reported through to our team. They are assessed, investigated and we have separated a number of employees over the past years as a result of displaying behaviour that does not align with our values.

We have now, as Alison and others have mentioned, the cultural integrity framework, which is about further investment in creating a safe workplace for our Aboriginal and Torres Strait Islander staff. We have an anonymous reporting tool that we launched a few years ago because we recognise that people are fearful of putting their name on a complaint form. That anonymous form, whilst we perhaps have not had as many reports as we would have expected, does provide us a tool to know where an individual has witnessed racist behaviour against a staff member, whether they have witnessed it from a member of the public towards a staff member, whether they have witnessed it or if they have been on the receiving end of it, and whilst we do not have names per se, it does allow us to understand what is happening across our organisation.

In March this year we participated in the ACT government's survey. We had around 900 plus employees in total respond. Of that total response we received, around six per cent of those people, so that is just over 50-odd staff members, told us that racism is occurring in our organisation. That information now will lead us to review our policies, our programs, explore opportunities to embed new practice. Again, as has been mentioned already, we will have a cultural competency survey, which will be delivered later this year by an Indigenous provider. It will be delivered to our middle management and up to the senior executive, so we can understand what is their competency and are they standing up and being active bystanders and supporting individuals when they witness these sorts of things happen.

**Ms Playford:** The other element, obviously, for systemic racism is how the services we deliver may inherently be racist and we do not necessarily understand that. Again, I think in terms of—like improving our cultural competency will help us think about the transport services, do we need to do anything. Ben might talk a little bit about that service delivery aspect of systemic racism and how we are trying to better identify where it does exist in the services that we deliver. It is right across our organisation and there are so many—it is very individual what is in issue—it might be an issue in cemeteries in the way we deliver a service, which is very different to say in the bus context. Do you want to talk a little bit more about that?

**Mr McHugh:** Yes, absolutely. The unfortunate situation is that systemic racism is a legacy that this country has inherited over time and it is sometimes unconscious and sometimes less unconscious. I guess the way we are approaching it is through the quantitative analysis of all of the things we do. Now, every time we pick up and refresh a policy, refresh a process—a most recent example is in the recruitment space—how do we test that the language we use in trying to attract the right people to our organisation is not in some way, perceived or real, to be offensive to someone. A lot of the things we do we have been doing for a long time and we may not have recognised that there is some element in there that could be considered racist.

The stuff that Petra has just talked about is looking at our people and how we train our people to recognise that, to understand what systemic racism is in the first place before you can then address it. So that is a big part of our cultural maturity journey and we are, again, only in the early parts of that journey as an organisation. We still have a long way to go, but I think we have moved from not understanding what it is to understanding what it is to doing something about it. I think we are in that phase at the moment and that is every time, as I said, we pick up a new communication or something we are about to talk to the community about, reading it through that lens of what are we saying, what language are we using and how can that be perceived by others. Again, Jacob has opened a lot of our eyes to the nuance of language and the affect that it can have.

We are the facilitators of a lot of our services. Our bus drivers, as an example, move people around the city on a daily basis. They jump on the bus; they all communicate with each other. Everyone brings their own individual personality onto that bus. Some of them may be happy to sit there and read a book and get off and others may behave in other ways that are not as acceptable. What can we do about that?



Well we can train our drivers to understand what behaviours by some of our customers might be seen as prolonging systemic racism in our community. We train them how to call that out, how to communicate that to us so that we can do something about it. Every one of our bus drivers goes through a training program and gets trained on what systemic racism looks like in their workplace. That could be something that we can address.

So that is the qualitative outcome of the technical training and all those bits that we all report on and the numbers you will all get. But what is it actually doing? And what does it mean for the community and how effective is it? I think that is where we are starting to learn. We are learning through conversation. You know, safety in the places we manage. We manage the public realm. How do we make sure the way we present information on signage, on artwork on buildings—how do we use that to provide a feeling of safety and inclusiveness for local Indigenous people in this context, but everyone generally I guess, is where we are heading.

**MS McGRADY:** TCCS is very deceptively broad—

**Ms Playford:** Yes.

**MS McGRADY:** And I think it is good to give these examples so that community are aware of all the pockets of what TCCS is involved in so that if they have future input then they know where to go.

**Ms Playford:** Yes. I was just going to give an example of a specific policy that we have recently updated. Ben reminded me of the recruitment policy. There is a piece of work that George from our light rail team did for us around inclusiveness generally. As part of that, there was the question we asked people, “Do they want to identify as Aboriginal and Torres Strait Islander?” The question was put to us as, why do we do that? What are we going to do? So we have now updated our recruitment policy so that our recruitment teams know that if someone does bother to identify as Aboriginal what are you proactively going to do? Are you going to tell them about our network? Are you going to make sure the manager facilitates them attending meetings at the network? Are you going to tell them about the work that we are doing and how we want to promote a culturally safe place and provide them with copies of our relevant policies, et cetera?

So there is a sort of proactive onus on the recruitment teams now that we have written into the recruitment policy in terms of steps to follow that if someone does this, well then you do not just say, “So what. Thanks. That is useful for us because it makes our stats look good.” You actually do something with the information. You tell them about the fact that we have a cultural advisor who they can go to if they think that there are issues that they want to raise—

**MR WALKER:** Is that Jacob?

**Ms Playford:** —we tell them about the anonymous—yes, that is Jacob. We tell them about the anonymous feedback so that we actually give them information that hopefully makes their employment with us a better experience. That is a concrete example of where we have recently changed a policy in the last couple of months.



**MS McGRADY:** Racism: how has TCCS supported Aboriginal and Torres Strait Islander employees across the ACT public service to reduce experiences, and you may have answered some of this, of racism and discrimination for Aboriginal and Torres Strait Islander people within government systems by 80 per cent by 2028?

**Ms Playford:** I think we have touched on some of what we are trying to do. I think one we can probably elaborate on a little bit more is trying to create safe spaces. We have been quite active and again, there were lots of ideas of we could put a lot of artwork up in various places. We had a much deeper conversation in the last year or two about the why do we do that.

Part of the why we do that, and we are building now, putting artwork into our designs. You know, when we upgraded the Woden Library, we put some great stuff on them. We are trying to make places where we provide services much more inviting. But we are now doing it, thinking about the, “Why we are doing it?” rather than, “That is a good thing to do and that would be a good tick off the box.” Again it is hard to measure the success of some of those things, but we are much more systemic in the way we approach that now.

We have an acknowledgment to country on the side of all our of vehicles. We are using a lot more artwork in the wraps on our vehicles. We just do not have one bus and think well that has changed the world. We put that now on to a lot of different things. There are some benefits of engaging the artist but actually those local shops, et cetera, we are hopeful that it will make Aboriginal people feel that those places are safer for them. The libraries have a lot of material around them that tries to make it welcoming for Aboriginal and Torres Strait Islander people. It is trying to get the why and I guess that is one of the things we are trying to do in terms of systemic racism.

**MS McGRADY:** I know we had a percentage around systemic racism, but in regards to racism, how many incidences of racism are generally reported within the directorate each year? How are they reported? How does the directorate address incidences of racism? How are they prevented in future?

**Ms Playford:** I will get Petra to talk to the stats.

**Ms Crowe:** In the last two years we have not had any specific reports of racism on its own. What we have experienced is reports of bullying and harassment. When those matters are investigated and unpicked, there will be racial undertones as well as other inappropriate behaviour that is discovered through those processes.

Matters are reported in a range of ways. They may be reported through a formal Riskman, workers’ comp, telephone calls straight through to the HR area, or perhaps through the internal areas where people have confidants and support networks. We also have a number of RED officers who may receive those reports.

Certainly now that Jake is onboard, I am very conscious of cultural load. So I do my very best, because Jake and I work together, to protect him from a lot of that cultural load. With the network he has reinvigorated, that provides a safe space now, a new safe space for people to report in that environment. That network meets six times a year in accordance with the early winter, deep winter; so the six seasons. In late summer this

year its focus will be on discrimination and racism in the workplace.

So there are all those different vehicles. People also have an opportunity to report directly to the union, and that has occurred on occasion, as well as to the Chief Minister, Treasury and Economic Development Directorate should they need to. Have I missed any other—

**Ms Playford:** The how do we deal with it?

**Ms Crowe:** How we deal with it? We undertake a preliminary assessment to gather basic information to determine whether or not it requires a formal investigation. We talk to the employee and ask them what supports they require, perhaps it is a referral to EAP or other better support services that they may need, whether that is also getting a mentor to support them while it is undertaken.

On some occasions we might need to transfer people into other work locations. That is not necessarily the employee who might have put the complaint forward, it may be the person that the complaint is about, unless the employee wishes to move and then we will facilitate that for them. We acknowledge that investigation processes are harmful in themselves. They take a long time. So it is important that we maintain contact with all parties and that is an area that we do need to continue to invest improvement in.

**MS McGRADY:** How does the ACT government train and assure the cultural competency of ACT government employees?

**Ms Playford:** I probably feel like I am repeating myself along there—

**MS McGRADY:** Yes, I think you are.

**Ms Playford:** —I do feel that the big breakthrough for us—it has been great having a cultural advisor and partnering with other directorates. I participate in the Sub-Committee of Strategic Board. We discuss these issues as well and that provides a good forum for conversation around how we can better address those things.

**MS McGRADY:** Yes. So is the content designed and delivered by local Aboriginal and Torres Strait Islander people or organisations?

**Ms Playford:** So again, Petra can talk to our formal learning and development programs that we have and what we have rolled out and the number of participants, et cetera.

**Ms Crowe:** Yes, so we do provide a range of training. We have a cultural awareness program that is mandated for our middle level and above to complete. Around 65 per cent of our staff have completed that since we have had it in place. That particular training is one we are now reviewing, undertaking a review of. We will engage with Aboriginal and Torres Strait Islander bodies and internal employees to look at what have we been delivering, how have we developed our knowledge and what is the next step in our journey of delivering cultural awareness training.

We have an on-country tour which is delivered by a local Ngunnawal person and very well received by staff. They get to learn about all the flora and fauna and local

Ngunnawal knowledge through that. We promote the SBS series which is an e-learning program that is also available.

**MS McGRADY:** I have a specific question while you are there around cultural awareness. In the 2021-22 annual report you declare that there were six cultural awareness training sessions. They were held during 2021-22 with 63 participants taking part. That seems to be a very small proportion of the TCCS employees. What is happening to expand participation in that program?

**Ms Crowe:** This financial year we also delivered six programs across the year. Each program can take up to 15 to 20 participants per session. One of the things the learning and development team have recognised is when we put on a program; we market it through the normal process; someone registers; then comes along to the headquarters' body to a classroom, we are not actually getting maximum benefit from doing it that way. So one of the things they are looking at pursuing is going out into the operational areas, into the depots and working with the workforce that is on-site. We have done that for our respect, equity and diversity training and we are maximising the uptake. Then we are able to tailor it to the context of that workplace, again recognising we are highly diverse. That is one of the things we will explore as part of our review with the cultural awareness program.

**Ms Playford:** We also try to get all our new staff to go to induction training and there is a component of the curriculum on the induction program that talks to people around what we do in this area.

**Mr McHugh:** Yes, I think it is worth acknowledging that we are a large organisation but the bulk of those staff work out in the field and on the ground. Particularly almost half of them drive buses for a living, so to engage them and take them offline and then get them trained up—so we try to capture them all at once on the way in the door and then give them some reminder training on particular items along the way. It is a bit of a different workplace compared to others where you can get a bunch of office workers in a room together at any particular time and get them to go through training. But there is a commitment there to get it right back through the—

**MS McGRADY:** Workforce: we understand the ACT government is working to employ Aboriginal and Torres Strait Islander staff as a part of improving services to the community. There continues to be concerns raised across the community that some staff are not recognised, accepted or connected to our local community. I do have dot points to go through.

How do you ensure these people meet the definition of being an Aboriginal and Torres Strait Islander person? How do you make sure they have the lived experience, the connection with the community that is critical to their ability to engage with and deliver outcomes to the Aboriginal and Torres Strait Islander community? How do you track compliance with the process? How have these roles and their responsibilities been communicated to the community? How do you ensure the advice they give is culturally appropriate? When designing roles, what are the requirements for specifying an identified or special measures' role?

Two more points: how many Aboriginal and Torres Strait Islander People are working

on projects or programs that are not specifically for Aboriginal and Torres Strait Islander community? On recruitment panels, has an Aboriginal and Torres Strait Islander person independent of government been a part of the panel to help with this assessment?

**Ms Crowe:** There is a lot to unpack there. What I might start with is the senior role that we undertook to engage our cultural adviser which is a SOGB level, the first of its kind in the ACT government. I will just get that little plug in. We did not write the position. We engaged Pipeline, which is a 100 per cent Indigenous locally owned business, and through their assistance they engaged with community, with internal employees and spoke with the executive to craft that position. Once it was crafted, we engaged with them further to recruit to the role. Had we tried to recruit through traditional methods, there is absolutely no way we would have received the wonderful talent that we did, and they made the assessment through the recruitment process around Aboriginality for that particular role.

In terms of other roles that we recruit to that are identified, we have 19 positions across the organisation that are identified positions. We do always ensure there is an Aboriginal and Torres Strait Islander person on the panel who has undertaken our recruitment training. We do not, however, necessarily always ensure it is an independent external person to our organisation.

I am unaware of any policy in the ACT government around requiring demonstration of Aboriginality at the time of interview but certainly I have not received any feedback from any of the panels that we have delivered where someone has challenged or been concerned with that. Are there other dot points you could perhaps—

**MS McGRADY:** No, I think you may have covered it.

**Ms Crowe:** If I have not and I have missed something, I am happy to take that on notice.

**Ms Playford:** Do you have the number of people we have in non- designated—you said I think it was 19 designated positions but I think we have 70 something?

**Ms Crowe:** This is a good news story. Even though I hate talking about numbers per se, but since 2018-19 we have grown our Aboriginal and Torres Strait Islander staff who are feeling comfortable and safe to identify within the system of course. We currently, as at July, have 73 staff who feel safe to identify and back in 2018-19 it was 54. What I feel more proud of in the numbers per se is back in those older years we did not have any staff in positions of leadership and now we have seven reported on our data that are in leadership positions. So I think that is a really great news story.

We also are investing in the talented Aboriginal and Torres Strait Islander staff, whether that is through supporting them to go to Garma and immerse themselves in the culture and bring back that learning. We also have one staff member who is undertaking the public sector management program which is delivered by the University of Queensland. We hope that will be a stepping stone into executive level positions.

**MS McGRADY:** We will skip to priority reform 4. So how are you progressing the principles of indigenous data sovereignty?

**Ms Playford:** Again, I think data is an area where we, like other ACT government directorates, are still maturing in that area but I am going to get Cherie to talk in a minute to what we are doing specifically in that area because we are trying to I guess—and Petra referred before around how you can just measure numbers but numbers do not tell you if you have actually made a difference and what the outcome is. Do you employ Aboriginal staff and they stay for two months but leave because it is not a safe place and we then employ some more, and they leave, et cetera.

I think we are trying to do more measuring through survey work. We have made reference to the survey we are going to do of our middle managers around their cultural competency. We have our participation in the ACT government survey and there is some really valuable information around the level of racism our staff say they experience, and of course we have a very large multicultural component to parts of our workforce. So that racism is not just around Aboriginal and Torres Strait Islander people but it is the same—

**MS McGRADY:** We absolutely understand that, yes.

**Ms Playford:** It is the same solutions that we need to find about people understanding. Cherie is the data guru for our directorate and responsible for improving our maturity in the data so I will let her have the floor for a minute.

**Ms Hughes:** It is a really good question and it is something I think the ACT government is just starting to really investigate. You asked earlier about what we do with other directorates. I sit on a whole of government data working group. One of the projects that ACT Health is doing is specifically looking at data sovereignty and understanding what data holdings they have, what they use that data for, what they should be using that data for and being able to look at the linkages. They are doing that piece of work with Education. We are one of the directorates sitting to the back a little and watching to see how that project transpires and what they learn from it so we can apply that in a whole of ACT government way.

**MS McGRADY:** What has your directorate done to appropriately identify Aboriginal and Torres Strait Islander people receiving services in your directorate under priority reform 4?

**Mr McHugh:** I think that comes back to the point I made earlier around the services that we provide generally are for facilitating outcomes for the community. You go back to transport again, and collecting that specific data is not something we are currently doing. So we do not ask people to identify when they ask for a My Way card for example, in that context to understand how many journeys we provide are provided for community. I guess we are focusing more on the quality of the service that makes it attractive and accessible to all people, to ensure it feels like a safe opportunity for everyone and that cuts right through all demographics in society.

**Ms Playford:** We have some services that are specifically targeted to the Aboriginal community. The community bus is a good example of that. Of course, we collect data on the numbers of people who utilise that service and we can provide those, but again, we have had a conversation with the Elected Body previously and with you, Paula,

around, “Well, how useful is that actually?” What is more useful is, “Is it actually providing the services that are required?”

We have over the last couple of years pivoted our service because of the feedback we have received from people who use the community bus, in particular the elders and during COVID. We did not use to provide a service where we went interstate for sorry business, but obviously in COVID it was much more difficult for people to catch public transport to get to sorry business that was interstate. So we did start providing that service, listening to what the community needs were. That is something we have retained.

We all talk about the things out of COVID that we have kept delivering, and that is one. We have, I guess, pivoted from receiving feedback from our specific customers around the services that they wanted us to provide, which were different from the services that we previously put parameters around what we could and could not do. I think the Koori Pre-School one is another good example of that. Sorry, Ben.

**Mr McHugh:** No, I think it is a good correction, Alison. There are specific programs where we collect data. I guess the question is about the progress—

**Ms Playford:** What is the impact?

**Mr McHugh:** Yes, the impact and the outcome is where we are starting to learn how to undertake more conversations with people and collect that information and record that information to learn from it. So how effective was the libraries program in educating around language? Did it actually make a difference? Has it contributed to an outcome? That is the piece we are evolving into data collection and data analysis that informs how we do it again next time, rather than just doing the same thing.

**Ms Playford:** We know 300 people attended the event at Woden. What we do not know is whether those 300 people would like us to do something different if we were to deliver a similar event, and so trying to get that more survey quality of data I think is where we are trying to move as well.

**MS McGRADY:** I will jump to the community bus now. You have given us a little bit of an update, but do you have more of an update around the community—

**Ms Playford:** Yes. Ian McGlenn from bus operations will join us.

**MS McGRADY:** —around the community bus and the service it provides and are there plans to extend the community bus service?

**Mr McGlenn:** I do acknowledge and have previously read the privilege statement. With the bus service, and rightly so, Alison just referred to allowing the bus to attend some sorry business. It was actually in Boggabilla last week.

**MS McGRADY:** Boggabilla?

**Mr McGlenn:** Boggabilla. I had to look it up.



**MS McGRADY:** That is where I come from, Boggabilla.

**Mr McGlinn:** Is it? Yes.

**MS McGRADY:** Toomelah.

**Ms Playford:** My sister lives near there.

**Mr McGlinn:** Yes, I had to Google where it was. Well, not only was there sorry business, there was a 30th birthday that they went to celebrate as well. It is quite pleasing when we get those interstate applications from Bruce. He is one individual who has made the community bus a success because he is the one taking the calls, making sure it is equally shared out et cetera between the two vehicles we currently have.

One of them is due for a lease replacement, which is the Imax, which we have on order. Like everybody else here when you order a vehicle at the moment that is an extended period. Whether we need another driver to provide further services to the community, that will be driven by data and word of mouth from Bruce, I think, or whether we just need another vehicle that we can release to the community for those events.

A lot of the events the vehicle goes to—its most popular time is weekends. We do a lot of weekend loans of those two vehicles. Bruce is saying, on occasion, where there have been multiple requests for the vehicles, he had had to work out who can take that vehicle.

**Mr McHugh:** Things like community sporting trips and other type uses is really where we have seen it change. Your question, Paula, about are we going to grow that service, I think we will be led by the community on how and when it needs to grow, absolutely, but we are open to that conversation all the time.

**MS McGRADY:** Yes. We note the reduction in the utilisation of the community bus in the 2022 annual report. We are receiving feedback from the community that the busses are difficult to book. Can you explain how TSSC deals with competing bookings for the same time? Is it first in, first served? And then are essential services of health and culture balanced with social bookings?

**Mr McGlinn:** It is an interesting thing because when we go to lend the busses out—so if community members wanted to take it on a Friday, we do rely on Bruce to ensure that we still have coverage. Now, I do have other vehicles—the special needs transport, because the vehicles are now out at Fyshwick with our special needs vehicles—where I can allow Bruce to drive one of those; to loan one of those out for Bruce to drive it so we can dispatch both of those vehicles. I think it would be a very rare occurrence where we would have competing events where we could not help by putting out both of those vehicles. That will drive whether we need to get a new vehicle and then what size of vehicle we want—because not everybody likes driving the HiAce because it is a little bit bigger than the normal car—whether we need to go back to another Imax or a Tarago style of vehicle. Then obviously we will be looking to transition the fleet to electric as we progress as well.

**Ms Playford:** In terms of prioritisation, I think we rely on our identified position, which



Bruce fills, to provide us advice around the various competing cultural sensitivities and we have relied on his advice. That would be right, Ian?

**Mr McGlinn:** Yes, indeed.

**THE CHAIR:** How long is the bus allowed to be hired out for?

**Mr McGlinn:** Obviously it would come down to the significance of the event that we are going to. Like, if you are going to sorry business and it was going to Queensland, it would not be a two-day trip. I think on each occasion Bruce actually takes that all into consideration. You could not take the bus away for three weeks for a family holiday, of course, because that takes away from the rest of the community.

**MS McGRADY:** I think that would be something to explore a bit more to be able to reassure community on what the right process is.

**Ms Playford:** Yes.

**MS McGRADY:** If it is working, if it is not working, and why it is not working, and if we need to get—

**Ms Playford:** Yes and maybe provide some information and talk to Bruce around how he balances some of those competing priorities.

**Mr McHugh:** And take on board the difficulty for booking comment as well and make sure that we are picking that up. We are procuring a new booking system for another function that may provide a better outcome for us in that space as well.

**MR WALKER:** The bus service has been going for a while now. Even as new people come to the community, some people are not aware of it. Maybe some kind of promotional kind of thing that might be—

**Ms Playford:** Some more information?

**MR WALKER:** Just information put out. I mean, just leave that on the counter at Winnunga or Gugan or places like that, to advertise that there is a community bus for particular occasions, to go away. I use the bus quite often with cultural significant events and stuff like that but you are hoping that if there is something—say if a weekender trip comes up, you just want to go away for the weekend but then you are competing against a family reunion or a funeral or sorry business, stuff like that, then that prioritisation by Bruce or whoever is involved in making the decision would be in favour of the more needy purpose.

**Ms Playford:** Yes, absolutely.

**MS McGRADY:** I will leave the best till last. Boomanulla. What outcomes has the directorate achieved with the upgrades to Boomanulla? I have three points if you want me to read through them.

**Mr Iglesias:** Yes, please.

**MS McGRADY:** Does Boomanulla have a site or master plan in place that has been guided by the community? What commitment does the directorate plan to give to the current and ongoing progress of Boomanulla and provide an update on the establishment of transfer to a community-controlled organisation for Boomanulla? So again, start with, what outcomes has the directorate achieved with the upgrades to Boomanulla?

**Ms Playford:** I will hand over to Daniel to talk to this, as he has been most involved.

**Mr Iglesias:** Thanks for the question. I would like to think that Boomanulla is the most beautiful sportsground we have, of the 800-odd bookable sportsgrounds. It is a beautiful site. In the last 12 months we have upgraded the lighting to make sure that game play can happen at night. That is a big improvement, and a big capital investment, to go up from 75 lux to 100 lux, to allow that to happen.

**MS McGRADY:** Daniel, a lot has happened out at Boomanulla; can you start from when that demountable became operational or was finished, because I do not think the community are aware of that.

**Mr Iglesias:** Sure. We now have a demountable bookable area for community to use on Boomanulla Oval. The building itself is brand new. It has great facilities and it offers a real opportunity for community to get together on certain activities which are usually associated with on-country community-related things. That is able to be done through our booking system.

We spent a bit of time with the secretariat to clarify how community can do that and how to make it easy for people to be able to make a booking. That is really important. We have also put in wi-fi, so people can do all of the gadget stuff when they are there. The fence around the facility has been completely replaced. We have brand-new perimeter fencing. As I say, there is the lighting. Irrigation has been increased. We have done some work on the grounds, but we want to do more work to improve the quality of the grounds. Hopefully, we can do that in the next 12 months.

What we are describing here is a ground that has some great facilities for community. The sporting groups that are using it are starting to expand. We are now getting interest from AFL, Rugby Union and Tag Rugby. Of course, Aboriginal and Torres Strait Islander teams get preference, but the fact is that the broader community is also seeing opportunities. We have even fielded some interest from the Greater Western Sydney Giants to come and do some pre-training. That presents an opportunity for us to say, "What can you do for the community? If you're going to come and train there, can you put on some training camps for the kids or can you run some drills and so on?" That presents an exciting option for us to develop in the next 12 months as well.

We are also looking to our colleagues in Education about whether some of the stuff that happens at Birrigai, in relation to Aboriginal education, can happen out at Boomanulla.

**Ms Playford:** Do you want to talk about the move towards community control and how we are trying to progress that?

**Mr Iglesias:** Yes; it is really important. We have the expertise in our sportsgrounds teams to make a sportsground work in Canberra. Let me tell you that it is hard, when it is really cold and really hot. We have that expertise. We have the people that know how to grow grass. I have learnt myself that it is not an easy thing to do in Canberra. From our perspective we would take the lead from the community as to how they want to see the ownership of Boomanulla. We, if you like, are keeping the sportsground going, but we want to hear from the community about what would be the nature of the engagement for management and how community sees it working. We can then provide some options. Instead of us coming to you, we want to hear from the community about what they want. We can then make an informed response to community and say, “Okay, there are options.”

We can have anything from a stakeholder-type arrangement all the way through to a board of management type arrangement. That can be a transition, a journey in time, where we start over here and we build the skills so that we get to here; or we might be able to jump to one particular solution. For example, we might have some sort of in-between arrangement where there is a peak committee that oversights and makes decisions about Boomanulla Oval, and we are in the background taking the instructions and still looking after the sports field, and the committee might be making decisions about strategic outcomes for Boomanulla.

What I am saying is that we are open to options. We are open to whatever the community wants.

**Ms Playford:** I would like to put on the record that we are wanting to commit to work towards having a community-controlled organisation. Boomanulla used to have a community-controlled organisation that looked after it. It was given back to government. We have worked with community and tried to listen to community about what they wanted from those facilities.

You asked about a master plan. There is a continuing list regarding what community wanted with those facilities. That has been prioritised and we try and make sure that some of the infrastructure funding, our maintenance funding, gets allocated to doing, each year, at least one project on that list, so that there is continuous improvement of those facilities.

We want to look at how we can improve capabilities in the specialist art of looking after a sportsground—keeping the grass green and managing a booking system—that we could potentially hand over and allow a community organisation to operate. I know that Daniel and his team have a number of Aboriginal staff, and in the future some of those staff that we give training to might join a community organisation and take on the different role.

**MS CHIVERS:** Obviously, we do not want to set it up so that it is a failure.

**Ms Playford:** Absolutely.

**MS CHIVERS:** One of the issues with Boomanulla previously was certainly around governance. I absolutely agree that it does have to come from community, but with advice and guidance from TCCS. If community came up with an option that probably

would fail, would TCCS work with the Elected Body to provide advice about other options that could help?

**Ms Playford:** We are certainly happy to. We also engage with the Community Services Directorate, who are doing very specific work around growing community-controlled organisations within the ACT. The Boomanulla example is a subset. We are not just trying to do this alone; we are trying to engage with that organisation. There are a variety of options. It might be that a community-controlled organisation gets services from TCCS that we provide in very specific, practical areas like watering and mowing grass.

**MR WALKER:** We had a presentation. You guys, and I cannot remember who—

**Ms Playford:** It was Daniel.

**MR WALKER:** Someone put those options to the Elected Body. Since the refurbishment of Boomanulla Oval, the Elected Body has been talking internally about it. Members in the last term were talking about the road back to community control, and we asked Daniel to bring that to the Elected Body a few meetings ago, and give us those options around what level of management we could have at either stage. We have taken that on board, and in the future we will want to join in the consultation with community about where we want to go with the organisation.

**Ms Playford:** Yes.

**MR WALKER:** You are right about the demountable. It is a really great space for Aboriginal organisations. Unfortunately, with the booking system, at the moment you have to pay to use the space, and some of our not-for-profit organisations do not have the money to pay for that space. I actually mentioned it to Ben. He made the comment, when we opened the thing, “What a beautiful view.” I said, “Yeah, a pity we have to pay for the view to come and have a meeting here.” Jo and I are on our NAIDOC committee. We would like to meet at the oval, but—

**MS CHIVERS:** Can’t afford it.

**MR WALKER:** We meet at other places where we can meet for free; we can’t afford it. This year—and it is to do with the people who maintain the oval, ACT sports—the cockatoos had a real party at our oval. Unfortunately, whatever seeds or grass you are using, they absolutely love it, and they ripped our oval to pieces. We have spent the last five home games away from Boomanulla Oval, which lost us revenue for canteen, gate and things like that, from a Rugby League team point of view.

The other thing is the cost for us as a club to hire it, to play football on it and to train on it. It is phenomenal—the cost for us as a club, a non-profit organisation. We are always struggling to find sponsorship, as an Aboriginal club. It accounts for half of our budget, from when we start pre-season in January, all the way through to August. We are paying \$250 every time we train and \$750 on the weekend, when we play, so it is a lot of money, and it takes away from our budget to do anything else in our club. We would like to come and have a sit-down and a talk about how we can reduce that. It costs us a lot of money.

**Mr Iglesias:** Happy to do that.

**MS CHIVERS:** Obviously, it is like that for other Indigenous clubs and organisations as well. The Boomanulla Rugby organisation is quite well known in the community; it always has been. People know, through what their experience is, what it would be like for them as not-for-profit organisations, so they do not even bother to think about using the facilities at Boomanulla, which is a shame, because it always has had such a strong connection to the local Indigenous community.

**MS McGRADY:** What is the charge to use the demountable?

**Mr Iglesias:** I could not tell you the exact rates. I would have to get back to you on the exact rates, but there are official pathways available to us to seek concessional rates. I would be keen to speak to Maurice to get an idea as to what the cost burden is, and we will need to get some advice.

**Ms Playford:** We will need to brief government on that around changes to the fee regulations et cetera, but it is something we can talk about.

**MR WALKER:** I understand that.

**MS CHIVERS:** Previously—not in relation to Boomanulla—in relation to the cultural centre, for example, when Shane Rattenbury was the Minister for Aboriginal and Torres Strait Islander Affairs, he made a decision—and I am assuming it went through the cabinet process—where, for three years, Aboriginal and Torres Strait Islander organisations or groups were not charged anything to use the cultural centre, for example.

**MS McGRADY:** Thanks, Member Chivers. We will go back to the topic of Boomanulla. I understand that a community organisation that does use the demountable does not pay any fees, so there are no fees attached to the demountable. There are fees attached to the use of the oval, I understand?

**Ms Playford:** Yes.

**Mr Iglesias:** Yes, correct.

**Ms Playford:** That is the difference.

**MS McGRADY:** I take the point that community do need to be updated on the booking system. Also, we have had conversations—we have had a presentation by Daniel as well—on the governance models and the future of Boomanulla, because it is very important to us and to community that we get this right, so that it is sustainable and it has the expertise to be able to make sure that Boomanulla stays at the level to which it has been brought back now. That is really important.

**MS CHIVERS:** I would like to clarify that that was just an example of something that could be done for Boomanulla—the example that was done for the cultural centre.

**Ms Playford:** Sure.

**MS CHIVERS:** What I was talking about was not actually specifically about doing something now in relation to the cultural centre; it was an example potentially of an option that could be done in relation to Boomanulla.

**Ms Playford:** We are very keen to work with the Elected Body, particularly around the management plan and working through what a governance model could look like. But we want to be guided by you about the best way to engage the community. In the meantime we have been trying to work through issues as they are raised. Paula, you have been a great conduit for a number of organisations around specific things like access to the memorial gardens, or how to do a booking and simplifying our booking system.

We have been trying to take on feedback and progressively improve access, but I think there is the bigger piece, in that we would really like advice from the Elected Body around how we can go forward. As you said, Daniel has presented some options. We would appreciate some feedback on how you would like us to take some of those options forward.

**MS McGRADY:** Thank you.

**THE CHAIR:** Thanks, Alison. We will finish on that now.

**Mr Iglesias:** I am on notice to come back to a board meeting down the track and give some examples.

**MS McGRADY:** Thank you. We have been keeping this conversation going at our regular meetings and in between.

**Hearing suspended from 2.38 to 2.52 pm.**

Appearances:

Major Projects Canberra

Doran, Ms Karen, Acting Chief Projects Officer, Office of the Chief Projects Officer  
Webber, Mr, Simon, Executive Branch Manager, Infrastructure Delivery

Bailey, Ms Kylie, Senior Director, Corporate Support, Project Development and Support

**THE CHAIR:** My name is Tanya Keed, and I am the chair of the Aboriginal and Torres Strait Islander Elected Body. I am joined by all members of the Elected Body and would like to introduce them now. Paula McGrady, the deputy chair, has portfolio responsibility for Transport Canberra and City Services and ACT Health and is our representative on the Coalition of Peaks. Maurice Walker is the member with responsibility for the Education and Community Services portfolios. Jo Chivers is the member with responsibility for the Justice and Community Services portfolios. Deanne Booth is the member with responsibility for the Major Projects Canberra portfolio.

Could all witnesses that give evidence during the hearings please acknowledge the witness statement for the record. I would like to invite Ms Karen Doran to make an opening statement before we commence questions. Can you please limit your introductory comments to two minutes.

**Ms Doran:** Thank you Tanya. I will easily limit my introductory comments because, unfortunately, I am suffering with a bit of a loss of voice today—and I apologise for that today. I am joined by my two very professional colleagues, and they will help me with responding to your questions today. So I will not be making an opening statement; thank you. I might just pass to Simon to do the acknowledgement.

**Mr Webber:** If the Elected Body is comfortable, I would like to do the acknowledgement in the Ngunnawal language. I am not necessarily an expert, but I have done some training and I would like to take the opportunity to try to gain some experience.

*Dhawura nguna, dhawura Ngunnawal.*

This is Ngunnawal country.

*Yanggu ngalamanyin dhunimanyin.*

Today we are all meeting together on Ngunnawal country.

*Ngoonawalwari dhawurawari Dindi wanggiraldjinyin.*

We acknowledge and pay our respects to the elders.

We would also like to acknowledge and recognise any other people and families with connections to the lands of the ACT and region and acknowledge and respect the continuing culture and the contribution they make to the life of this city and to this region. I would also like to welcome any other Aboriginal and Torres Strait Islanders joining us today.

**THE CHAIR:** I will now pass to Member Booth to commence the questions.

**MS BOOTH:** Thank you, Tanya. We will start by considering the four priority reforms



of the national agreement, starting with priority reform 1: partnership and shared decision-making.

How is the directorate working with the community to share decision-making to provide increased and improved incomes for the Aboriginal and Torres Strait Islander community?

There are a couple of dot points. How many new formal partnerships has your directorate established since 2020? How are they resourced? What have they achieved? Is the information publicly available?

**Ms Doran:** I might attempt to start. I acknowledge the witness statement. We certainly recognise the importance of creating real partnerships with the Aboriginal community and with the Aboriginal Community-Controlled Organisations. Within MPC, the nature of our operations means that we are not really working in a service space, and so we are not able to do that in a way that a lot of other directorates do.

But, certainly, in our delivering of infrastructure projects, we make every attempt to support the employment of Aboriginal and Torres Strait Islander peoples and to support that participation measure within our procurement frameworks and also in our consultation and our engagement with stakeholders to ensure that we are hearing the community voice in those processes. But I know Simon will add a lot more detail to that. Thanks, Simon.

**Mr Webber:** Sure. In outlining Major Projects Canberra's operations, we deliver projects primarily through our infrastructure delivery partners branch. They are partner directorate projects. So they are owned by the other directorates. That is the largest number of our projects.

We have our four designated projects for which we take responsibility, being the Canberra Hospital Expansion Project, the Light Rail Project, the Canberra Institute of Technology in Woden running through it, and our newest project, the Canberra Theatre Project. Then, of course, we have Major Projects Canberra ourselves in terms of our journey and the things that we need to do.

In response to the questions, we do not have formal partnerships, in that sense, with Aboriginal Community-Controlled Organisations but we do work very closely with a number of those sorts of organisations. A good example would be the work that we are doing with the ACT Health Directorate currently. It is their project, but we are working quite closely with Winnunga Nimmityjah in relation to some work that is going on at Watson.

We have also worked closely with Winnunga Nimmityjah at the AMC in relation to some facilities that we have delivered on behalf of the Justice and Community Safety Directorate. So we work quite closely in that sense with those organisations.

For us, the Light Rail Project, in particular, involves a lot of work with the Dhawura Ngunnawal Caring for Country Committee and there is very much a regular stakeholder relationship.

Gugan Gulwan is another very important project for the Community Services Directorate. We are very pleased that one of our Aboriginal staff members, Ben, Lookden, is a project manager on that project, delivering on behalf of the Community Services Directorate.

**MS BOOTH:** Okay. I will now move to the Indigenous procurement policy. What is the number and the value of the contracts that you have that support the IPP?

**Mr Webber:** I will focus on the four projects and our organisational spend. I am sorry but I do not have the exact number of contracts, but we will certainly take that on notice, if that is okay, to get you some details of those.

Looking at the total spend in percentage terms for 2022-23, noting that there are a number of systems that we use to culminate this, approximately 4.9 per cent of our expenditure went to Aboriginal organisations—Supply Nation registered or otherwise certified as an Aboriginal and Torres Strait Islander organisations. That is around \$14 million dollars, or \$14.02 million—but that is a little bit precise. The numbers are not absolutely 100 per cent in that sense, but that is certainly the order of the expenditure on Aboriginal and Torres Strait Islander organisations.

**MS BOOTH:** What are the requirements within the contracts or grants that require specific outcomes for Aboriginal and Torres Strait Islander people?

**Mr Webber:** We have had a number of contracts where we have had expenditure targets. In the Canberra Hospital expansion, we have got a 10 per cent target of trade costs under that project of expenditure in relation to Aboriginal and Torres Strait Islander organisations.

I have got a little bit of a breakdown of that number: five per cent is expenditure directly on employment; four per cent is expenditure on procurement through Aboriginal and Torres Strait Islander-owned businesses; and one per cent is on education and training.

Through that process, the Multiplex Contractor—that is our tier 1, head contractor—we receive their project reports. They go through to our project boards where they all get reviewed. Then, of course, we have also got people on the ground in relation to the projects to make sure that these reports are real, in that sense.

Interestingly, on the Raising London Circuit Project, which is a component of Light Rail stage 2, it is about four per cent on that, I think. Instead of just expenditure, we have actually got some employment number targets as well. So the team is bringing in those sorts of numbers.

Abergeldie is the contractor for that. I hope that it is okay to mention that. It is on the public record anyway and on our contracts register. In relation to that, Abergeldie—in the contract that we have for Light Rail—at the moment, they are exceeding the target with 5.5 per cent of their workforce identifying as Aboriginal or Torres Strait Islander. So we are pretty pleased about those two.

Our Canberra Theatre Project is just commencing in terms of design. So our approach in that sense, and I might be going a little bit off the question—

**MS BOOTH:** It might be good for the next question.

**Mr Webber:** Okay.

**MS BOOTH:** What are the specific requirements that non-Aboriginal and Torres Strait Islander organisations must have to guarantee service, access to the community, Aboriginal and Torres Strait Islander staff within the organisation represented on the board and how they procure services?

**Mr Webber:** In terms of the organisations we engage? I am sorry; could I seek a little bit of clarification?

**MR WALKER:** Yes.

**Mr Webber:** In terms of ensuring that they will have that sort of representation, we would expect to see that in that reporting and get involved with conversations with the different organisations. We will witness that. In terms of delivery, we know they are there. But I do not think I am quite answering your question; I am sorry. I may need more detail.

**MR WALKER:** Obviously the procurement policy has a number that we want to reach and make sure that there is input from Aboriginal and Torres Strait Islander people. If the contract is obviously offered to a company then we want to see that reflected in the workforce, so that those opportunities are able to be applied for by community, especially in the ACT.

If you are dealing with a construction company there may not be Aboriginal people on the board. But, at the same time, are you looking at how they view employing Aboriginal people? As an entity that is controlling the contract, some of the specific things that you might put in might be “Well, we want that 5.5 per cent of Aboriginal people employed,” or that 10 per cent of business is used for services.

**Mr Webber:** One thing that I think is important to note around the context of our operations, particularly for those designated projects, which is really our area of control, is that they are of such scale that we are looking for a national level contractor and, unfortunately, there are currently none that are recognised as an Aboriginal and Torres Strait Islander organisation.

Through those contracts with those larger organisations, we have those targets in different ways established that we then get measured. I could touch on those quite quickly. I think I have mentioned the Canberra Hospital expansion, in relation to that, but I might touch on that a little bit later in terms of the connectivity centre that we established through that project.

In the Light Rail project, we have a two per cent of spend target in relation to sub-contractors—that is the Light Rail stage 2. We have a 2.5 per cent workforce target. As I mentioned, Abergeldie is performing better than that 2.5 per cent, at 5.5 per cent.

In the Canberra Institute of Technology Project, the CIT Project—which has some

elements still under construction now—and with the Yurauna Centre package 4, which is going in to Bruce, we will set up quite a high target figure for the Yurauna Centre. That would mean two approaches. Certainly, non-Aboriginal organisations can go for that as long as they demonstrate that in their tender process.

They are very extensive tenders that we analyse in detail. We do not just take the promise as a promise; we make sure that our professionals that are assessing the tenders believe the promise can be delivered.

In the Yurauna project, with package 4, we are setting up higher targets that would lean probably towards a First Nations organisation winning the tender. But a non-Aboriginal organisation could win that tender as long as they have sufficient sub-contractors in their team.

We are really just starting with the Canberra Theatre Project. So there is not too much in terms of expenditure targets set, although obviously we will meet the policy at that two per cent minimum requirement. We have engaged Yerrabingin as a sub-consultant to our design partner to ensure that we are looking to the requirements and, particularly in that location of right here, fitting it in the environment properly and in consultation with local community.

**MS BOOTH:** You might have already answered this. How are you engaging with Aboriginal and Torres Strait Islander businesses, and how many contracts have you entered into with Aboriginal and Torres Strait Islander businesses?

**Mr Webber:** It is probably a little too close to zero for my liking, to be honest, because of that designated project element for our big ones. However, within Major Projects Canberra, we are doing a number of things, including developing our initial reconciliation action plan. That has been with Curiyo for conditional endorsement. So that is a direct engagement in that sense.

We also have a number of others. We are working with Corroboree in relation to supporting some of our engagement of people into designated positions, which is something we have just started. We have worked with Thunderstone as well, and I thank Tyrone.

There are a few things like that. We are actively looking to get that support into our own organisation. It is a sub-contractor lens at this stage, unfortunately.

**MS BOOTH:** As a percentage of spending, how much is spent with Aboriginal businesses, with a breakdown by products and services?

**Mr Webber:** It is about 4.9 per cent, but we will break that down and provide some more information if we could. A lot of that is sub-contractor in terms of works, but there are some services elements for some of those other consultants that I have mentioned.

**MS BOOTH:** We will move onto the priority reform 3, transforming government organisations, ACT agreement. How is your directorate implementing the ACT Aboriginal and Torres Strait Islander Agreement as part of your core business?

**Mr Webber:** I mentioned in relation to Major Projects Canberra and our reconciliation action plan, the importance of us understanding the true history, what actually happened in this place over two centuries ago. Through that process, we had a cultural learning journey program. We have about 300 or so staff. I think that is the number.

**Ms Doran:** 270.

**Mr Webber:** So 270. About 133 of our staff went through a cultural training program with Curijo in relation to understanding and full awareness. There was also a more advanced, I guess, executive cultural training that we went through. Our journey in that sense is centred around our reconciliation action plan. We did receive conditional approval from Reconciliation Australia for that.

We are currently working closely with United Ngunnawal Elders Council to finalise our artwork, and we are considering making that an action for our plan rather than a precursor to getting the final approval of that. But we are very close to getting that finalised.

While that has been sitting there, we have been acting on the intent of the plan by some of the language training, the cultural journey and some of the other elements and then feeding that into our executive team as well, who then set the scene for our designated projects. That, I think, is leading into some reasonable work, with obviously a lot more to do.

**MS BOOTH:** How do you work with other directorates?

**Mr Webber:** Other directorates are our partners, even in our designated projects. If we look at Light Rail Project, for example, we will have members of other directorates in those designated projects as well because, ultimately, they will be assets that are looked after, say, by Transport Canberra or Canberra Health Services, depending on the project. So we work closely in those designated projects.

We have hundreds of other projects across all of the directorates where we work very closely with their directorates on their policy objectives. A good example is Gugan Gulwan, where we manage that procurement process and have a contract manager who turns up on behalf of the Community Services Directorate and very much works with them to ensure that we are meeting their policy objectives. For example, do they want an Aboriginal and Torres Strait Islander head contractor for this in terms of one of those policy options, or is there a larger target than the two per cent, for example, and we target that or the Community Services Directorate is targeted,

We will also do similar things with the Education Directorate. The Gold Creek School had a 30 per cent expenditure target in relation to Aboriginal and Torres Strait Islander expenditure and did very well in delivering that. I think it just got above the 30 per cent. It is a very good outcome.

We also have monthly program meetings with the directorates so that we can direct feedback in relation to actual delivery issues as well.

**MS BOOTH:** Thanks. What have you done to review your legislation, policies,

procedures and processes to identify and remove systemic racism? Then there are some dot points. What has the directorate implemented to address systemic racism? What legislations have been reviewed and amended? What policies have been reviewed and amended?

**Mr Webber:** We are leading into this a little bit again with Community Services Directorate. We are very lucky to have two key people. Barry Ingram is a senior member of our team and part of our delivery unit who worked with CSD. He is an Aboriginal man and is part of the Addressing Systemic Racism Committee, which is run by Community Services Directorate. Rebecca Power, who won a Bill Harris Executive Leadership Award, is just a fantastic human being and really understands a lot of the true history from an Aboriginal and Torres Strait Islander women's perspectives as well. She has also been a very keen advocate in relation to addressing systemic racism and joins into that committee.

I have been a recent entrant in terms of my time in that area, and so joined into the workshops around the framework that was recently developed around addressing systemic racism. I think for us the key learnings in terms of our executive and the executive journeys that we have been on is that we are part of that, we are the cause of it, and you cannot actually address what it is collectively because you are inherently part of that establishment that has caused some of these issues.

There has been a lot of communication with other people in other directorates to ensure that we are not just gauging ourselves; we are opening ourselves to be gauged by others.

**MS BOOTH:** How has MPC supported Aboriginal and Torres Strait Islander employees across the ACT Public Service to reduce the experience of racism and discrimination?

**Mr Webber:** My role within Major Projects Canberra is as the executive champion for Aboriginal and Torres Strait Islander engagement and reconciliation. We are a small directorate. Within our directorate we have only—and it is “only”, unfortunately—three Aboriginal and Torres Strait Islander staff. I am in direct contact with all of those staff pretty much every day, if not every week, and we do talk about those issues regularly.

I put myself up as an advocate for them, but there is also obviously a number of other channels that Aboriginal and Torres Strait Islanders can go through if they need to if they are not comfortable raising issues with me. Barry Ingram is a fairly senior member of our team and he reaches out. He is an Aboriginal man and works closely with the rest of the Aboriginal and Torres Strait Islander cohort in the organisation. It is just about making it as open as we can for any concerns to be raised.

**THE CHAIR:** Is Barry based in Canberra?

**Mr Webber:** Yes.

**MR WALKER:** Is he still out in Belconnen?

**Mr Webber:** He is in Holt, I think.



**MR WALKER:** No; where is he working?

**Mr Webber:** We are in Callam offices in Woden but—

**MR WALKER:** Because you were out at Nature Conservation House.

**Mr Webber:** Yes, it was good. It is a nice spot out there. I am from the south side but we will not bring in the north-south at this stage.

**MS BOOTH:** We are too.

**THE CHAIR:** Yes; all of us.

**MS BOOTH:** How many incidents of racism are generally reported within the directorate each year? How are they reported? How does the directorate address incidents of racism and how they are to be prevented in the future?

**Mr Webber:** I have not been advised of any directly in my role; however, that does not mean that there have not been any that are perhaps above my role or outside of my role. I might see if Kylie has any additional information in that.

**Ms Bailey:** I acknowledge the witness statement. We have had no formal reports in the last 12 months of discrimination. Of course, being a small directorate, we do not have a separate policy of our own. We follow the whole-of-government guidelines and the reporting frameworks. We have respect, equity and diversity officers as well as Simon, in his role, that the staff can go to if they do have any concerns.

**MS BOOTH:** How does the ACT government train and assure the cultural competency of the ACT government employees?

**Mr Webber:** That is a great question—and I should acknowledge the witness statement. If I did not do that before, I apologise.

For the cultural component, we are really looking through the reconciliation action plan and the lens of that and the actions around that as that works through around making cultural awareness training mandatory for our employees. Currently, on our portal, our employees can nominate for the course and we will work that through with Curijo.

We are in the process of planning our next sessions, actually. We want to get that 133 number up to 100 per cent. That is our goal.

**MS BOOTH:** Is the content design delivered by local Aboriginal and Torres Strait Islander people or organisations?

**Mr Webber:** It is done by Curijo. I call them local but they are not a Ngunnawal organisation, from what I understand. They have certainly brought in a lot of detail about the whole history from a whole-of-Australia perspective, which I think is important from the global perspective. We have a lot of people who come from other countries as immigrants. So that whole-of-Australia perspective can help.



One of my reconciliation committee members learnt to speak the welcoming in Ngunnawal by himself, One of learnings with Tyronne Bell and with Thunderstone was, “Let us not do that. That is not appropriate.” So we are going to increase our language training. Our next port of call there is through the reconciliation committee in making sure that the reconciliation committee is there for language training.

Combined with that, we are also doing an on-country tour and expanding our cultural learnings from that perspective more to the local environment as well.

**MS BOOTH:** I will now move to priority reform 4, directorate-specific questions. MPC works with Procurement ACT to provide guidance to Aboriginal and Torres Strait Islander-controlled organisations seeking to undertake construction work with the ACT government. Can you provide details of Aboriginal and Torres Strait Islander people’s involvement in the ACT capital works project in the last 12 months, as the number of Aboriginal and Torres Strait Islander businesses, the percentage of spend on these contracts and the number of Aboriginal and Torres Strait Islander employees?

**Mr Webber:** There are three Aboriginal and Torres Strait Islander employees. We might take the rest of those on notice just to get some of the details. I could mention a few of the organisational engagements. Some of these will involve part of the directorate projects.

**Ms Doran:** Maybe just before you do that, Simon, it is worth clarifying that we can provide direct data for what we have been calling the “designated projects”—so the big projects—which is what MPC delivers.

Simon has been talking about the hospital project and the CIT. For a lot of the other work where we work together with other directorates and support their procurement of capital works—and Simon is about to give some examples of Aboriginal organisations that have been involved there—that is probably the same data that you will get from the directorates themselves, because it is their relationships and their contracts.

**Mr Webber:** Thank you for that important clarification. In terms of some of what we call infrastructure delivery partner projects, or partner projects, I mentioned Gugan Gulwan. Demolition of the project was by Rork Projects. The demolition of the existing facility was by Rork, and the construction of the new facility will have targets in there.

I have mentioned the Gold Creek School as well. That was on behalf of the Education Directorate and Gugan Gulwan. In relation to CSD, there is the Common Ground Project in Dickson. While that has been there for a little while now, the 12-month contract is still live. I think it achieved around a five per cent participation rate. I believe Richard Crookes Construction is running that.

The Margaret Hendry School is another one that the Education Directorate had. It had a 1.5 per cent Indigenous participation. So it was not a direct engagement there for an Aboriginal contractor, but certainly in terms of actual workforce numbers it was quite high. East Gungahlin High School is very similar, in terms of about a five per cent.

They are some of the highlights in terms of work subcontracted to First Nations peoples and organisations; so that is nice as well. We also are working with the Ngunnawal

Caring for Country Committee and will do a lot of landscape design and reference back into some of those groups.

On some of the larger packages coming out from Transport Canberra and City Services in relation to some of the bigger road projects, there is the landscape designed by Bagariin. I do not know Bagariin, so hopefully I got that one right in that sense. There is the work on the Monaro Highway. Again, Bigariin Ngunnawal Cultural Consulting have been involved with the Monaro Highway.

It is very nice to see projects doing the dragon boat facility, I think, in Grevillea Park. So there is another contractor that is a First Nations Aboriginal and Torres Strait Islander.

There is Umbagog bridges, which is really looking into working very closely with what I call Registered Aboriginal Organisations—the old RAOs. There is the King Brown Tribal Council and all of those sorts of groups. We are working to have contact with all of them and invite them in to review the impacts, potentially, and to get some guidance on how to limit those impacts and to improve our designs in consult with country. That is what call it, which is probably not ideal. But that is very important.

There is also Namarag. That is probably an old one. I probably should take Namarag off the list, because it has been around for a little while. It is still in a sort of defect period and liability period. It is a wonderful project all up. It is not a First Nations direct engagement, but again is very high in terms of above the target of two per cent. We got four per cent of the value of the work there through Aboriginal and Torres Strait Islander expenditure.

We are probably looking at a few new ones coming in in terms of the material resources. There is the Hume Transport Canberra City Services Project. It is very important for them. We are working closely again to make sure that they are meeting their targets on that.

The John Gordon Drive and Molonglo River Bridge is probably going to be one of the biggest road projects for a while. Again, that will meet the Indigenous participation policy that we have.

I think I mentioned AMC. We did an upgrade there with Rork Projects as well in terms Justice and Community Safety. That last one has been appropriated in terms of some design work. There is also the Watson Health Hub with Winnunga Nimmityjah in particular.

**MS BOOTH:** Thanks. Moving onto the RAP, how is the Reflect RAP progressing?

**Mr Webber:** From my perspective, not quickly enough, but we are working patiently—I think is probably the best way to work through. Curijo has put in some great work in assisting us in developing what we need to do for our journey. That work is a little bit old. It is probably fair to say that we were hoping to get the formal approval of the RAP at the end of last year. We got conditional approval. There is one piece missing, and I think it is important that we do this properly.

We are intending to develop artwork for the RAP. It is very important, I think, that that artwork assists to represent a bit more of a journey, rather than just words on paper.

Recognising that we are on Ngunnawal country and Ngunnawal people as the traditional custodians of the land, it has been very important for us, and in accordance with the better practice requirements of Reconciliation Australia, we want to seek the United Ngunnawal Elders Council's endorsement of the approach and of their approach to the artwork that we are taking.

We are intending to use a—I struggle with this term—not a Ngunnawal person to do the artwork, but then get mentored by a very well-respected Ngunnawal artist, Lynnice Church. In working through that, I think it is very important that, by establishing Ngunnawal artwork on Ngunnawal land, that it is about impacts that we will have on Ngunnawal land from an infrastructure perspective for 50 years or 100 years or more, that we get that endorsement.

We have got some good content in terms of the RAP, and I could go through some of the detailed actions if you would like me to. Our next step is probably to take the action of the artwork and make it an action of our Reflect RAP, rather than a precursor to the submission to RA. So we are very close to that decision now.

**MS McGRADY:** Thank you. It will be really nice to see that artwork.

**Mr Webber:** Yes, and we will definitely do it. Very keen to get that done.

**MS BOOTH:** We understand that the construction of the Canberra Hospital expansion required that the successful tender was to promote Aboriginal and Torres Strait Islander participation rate by work hours. How is this progressing? How are you holding them accountable to the tender requirement?

**Mr Webber:** That is a fantastic question. The project board that is established for each of our designated projects is a governing committee, if you will, that sits across and receives all of the information, reports and details. Effectively, that runs through our governance process. That is sort of the checking—how we ensure that we are meeting the targets or meeting the requirements of the tender. That process receives those sorts of reports and information.

In terms of the breakdown of the 10 per cent of trade components, we are seeing some good outcomes from Multiplex as the head contractor—over \$15 million, to date, under that contract. In previous years as well, it has been through Aboriginal and Torres Strait Islander-recognised organisations, or companies, really, in that sense.

**MS BOOTH:** What is the progress of the new premises of Gugan Galwan? What plans are in place to avoid extensive delays in the future? How are the needs and perspectives of Gugan Gulwan being heard with engagement with CSD? What are the Indigenous economic outcomes expected from the build?

**Mr Webber:** Some of those things will be policy set through the Community Services Directorate, and they will be considering some of those. I do not have the exact detail of that. However, from a Major Projects Canberra perspective, we work very closely

with the Community Services Directorate in terms of the team that delivers it.

In terms of some of the delays to the project in relation to DA approvals and other things that have taken probably longer than we had initially anticipated, we are reaching out to different areas of government to advise the importance of these projects and the progress of approvals and the like.

We will often have a project where we do a design and construct which might include some demolition aspects. We pulled the demolition of that facility out so that we could get the demolition done. The Community Services Directorate understood and recognised that it needed to be a new facility for quite some time.

By doing that demolition work, we could then be in a position to start the construction work earlier because we were still doing design. So we did not have to wait, obviously, until the design of the new facility was complete before we demolished the existing and then built the new.

So, where we can influence the procurement approach, or the approach to delivery, that is what we try to do. That is our day job, so to speak. To the original part of that question around targets, we will work with community services to set those targets, but they will be their targets, if that makes sense.

**MS BOOTH:** On Yurauna, Major Projects Canberra will work with Lend Lease to reach ATSIPP procurement targets of 10 per cent of trade cost under package 3 of the CIT project. How much does this mean for IPP? How is this progressing?

**Mr Webber:** In terms of Yurauna, there is a First Nations-led head contractor, or a contractor with sufficient team members to get to a level in relation to the delivery of Yurauna, and will be engaged to undertake the construction. But the construction work has not yet started on that part of the CIT project, the new facility that will go into Bruce. Unfortunately, I do not have the current exact target percentage in terms of it, but all of our designated projects will meet that two per cent expenditure target or will better it; that is the policy approach.

**Ms Doran:** The CIT Woden project has been delivered in a number of stages. Package 3, that you referred to, is the build of the CIT campus at Woden, which is being undertaken by Lend Lease. We do have targets, the 10 per cent target, in that space. Yurauna is package 4, which is being built out at Bruce. We are at a very early stage of going into procurement for that one. We do not have any targets established yet for that. With the Lend Lease 10 per cent target, we are doing well there.

**Mr Webber:** Yes, we are. I hope that clarifies it. Going back to package 4 at Yurauna, we have had a design report undertaken, to help assist. It is a very important centre for Aboriginal and Torres Strait Islander people, so we will continue with that engagement process and ensure that, in those design inputs, we continue to consult in relation to some of our reference groups that go through those projects.

**MS BOOTH:** Common Ground: construction of the new Common Ground facility in Dickson had a minimum two per cent ATSI participation rate by work hours. How many FTE does that equate to? How are you holding the contractor to account to

achieve these outcomes?

**Mr Webber:** I do not, unfortunately, have the number of FTE equivalent. I can look that up and get back to you. I can advise that we were at about five per cent participation. I believe that is from an expenditure perspective, but I will clarify that. We are above the policy, if you will—or, I should say, the Community Services Directorate are above the policy on that one. We are pleased to be part of that, obviously, in terms of that. It is about five per cent. We will clarify that and confirm that.

**Ms Bailey:** Yes, we can take that on notice as well.

**MS McGRADY:** I think there is a lot of great stuff happening in this space. There is a lot happening. It is an exciting space, isn't it?

**MS CHIVERS:** Yes. I actually know a few young people that have been employed up there, and older people.

**THE CHAIR:** Thanks for your participation today; we appreciate it.

**The Elected Body adjourned at 3.38 pm.**