

Deputy Chairman; Hon Derrick Tomlinson; Hon Ljiljana Ravlich; Hon Peter Foss; Hon Frank Hough; Hon Ed Dermer; Hon Sue Ellery; Hon John Fischer

Division 67: Indigenous Affairs, \$17 911 000 -

Hon Kate Doust, Deputy Chairman.

Hon G.T. Giffard, Parliamentary Secretary to the Minister for Indigenous Affairs.

Mr R. Curry, Acting Director General.

Mr C. Vinci, Acting Director, Heritage Culture and Business Services.

Mr S. Stylianou, Manager, Finance and Administration.

Ms P. Thorley, Acting Director, Operations.

Mr T. Carleton, Principal Project Officer.

The DEPUTY CHAIRMAN: On behalf of the Legislative Council Estimates Committee, I welcome you to today's hearing.

Government agencies and departments have an important role and duty to assist Parliament to scrutinise the budget papers on behalf of the people of Western Australia. The Committee values that assistance.

For the information of members, these proceedings will be reported by *Hansard*. The daily *Hansard* will be available the following morning. *Hansard* will distribute documents for correction, which must be returned on the A4 documents sent to members. The cut-off date for corrections will be indicated on the bottom of each page.

Members are asked to sit towards the front of the Chamber where practicable so that witnesses will not have to turn their head when answering questions.

It will greatly assist *Hansard* if when referring to the *Budget Statements* volumes or the consolidated fund estimates, members give the page number, item, program, amount, and so on in preface to their questions.

If supplementary information is to be provided, I seek your cooperation in ensuring that it is delivered to the Committee's clerk within five working days of receipt of the questions. An example of the required *Hansard* style for the documents has been provided to your advisers.

May I remind those members of the public in attendance that only accredited media representatives may take notes. However, full *Hansard* transcripts will be available to the public within a week of the close of these hearings.

The Committee reminds agency representatives to respond to questions in a succinct manner and to limit the extent of personal observations.

At this time, I ask the witnesses whether they have read, understood and completed the Information for Witnesses form.

WITNESSES: Yes

The DEPUTY CHAIRMAN: Do all the witnesses fully understand the meaning and effect of the provisions of that document?

WITNESSES: Yes

The DEPUTY CHAIRMAN: We have received some questions on notice from Hon Derrick Tomlinson, and I now table the questions and responses.

Hon DERRICK TOMLINSON: Thank you, Madam Deputy Chair, for the answers to the questions on notice. For the parliamentary *Hansard* record, the questions related to the number of local area coordinators, the location of the district officers and whether there would be any change. I note in the answer that there are 58 personnel in those offices, and 18 local district officers located in all parts of State, from the metropolitan area to Fitzroy Crossing, Kalgoorlie, Laverton, Port Hedland, Onslow and so on. Given that the Department of Indigenous Affairs has no independent capacity for functions and is in place to coordinate the functions of other government agencies, what do the officers in those 37 local area coordinating bodies do?

[9.20 am]

Mr CURRY: Local area coordination is a model of coordinating services at a local level, in which the officer is locally based, with the intention that the individual officer becomes familiar with the area in which he works. The officer often has discretionary funding, and works closely with local communities in identifying their needs. It is a model that is not uncommon in other jurisdictions and internationally. In Western Australia, this model has worked well in the disability services areas, in which a person is locally based with a small constituency of

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about 50 people in a small geographical area. The model was applied to Aboriginal affairs three and a half years ago, and was recently found wanting because the principles that underpinned local area coordination did not work well for Aboriginal affairs.

The obvious point is that in some cases a locally-based person has a constituency of several thousand people, who are spread over a vast geographical area, and what they were asked to do posed questions about the effectiveness of local area coordination. There were additional problems in retaining staff in these local areas as they were single-person offices, and in the first three years we experienced a high turnover rate. The changes that are occurring in the department are not intended to change the emphasis on locally-based people who understand what is going on. We are changing our focus to ensure that those officers have a clearer direction in the work they do with the land agenda, discharging of our responsibilities under the Heritage of Western Australia Act, and providing the coordinating role of bringing government agencies together to address the concerns and issues that confront local communities. An issue facing this Government - and it faced the previous Government - is the view that government services should provide a single face to government, rather than individual government agencies driving to communities to do their particular piece of business. Local area coordinators have a major role in coordinating that level of support to communities in a joined-up approach to Government.

Hon DERRICK TOMLINSON: I note that coordination role and the recent initiatives by the Premier to establish an Aboriginal consultative committee for policy and program. Also, last week the Premier signed an agreement with the heads of Aboriginal agencies for the coordination and delivery of localised delivery of services, and the Aboriginal Lands Trust has built-in obsolescence because it is returning land to the Aboriginal people. Therefore, it would appear that the only function left for the department will be Aboriginal heritage. Given that that role could be carried out by the Western Australian Museum, what is the life expectancy of the department?

Mr CURRY: The document signed by the Premier and the state chair of the advisory council for the Aboriginal and Torres Strait Islander Commission is intended to establish a partnership arrangement with ATSIC - not a contractual arrangement - built on respect for the mutual responsibilities and obligations. We see a great advantage in working with ATSIC - as does the Government - because that partnership will engage with the elected arm of ATSIC. That elected arm has the potential to do considerable good work for us. Also, under the restructure of ATSIC, that elected arm has access to money. Approximately \$240 million is provided to ATSIC each year for various programs in Western Australia, and the elected arm's primary responsibility is the distribution of that money. ATSIC operates on a model in which the local representation of issues is effectively presented to Canberra for the distribution of that money. In that regard we are establishing our role in working with ATSIC. That is a broader role for ATSIC - it is not ATSIC singularly, but ATSIC representing the Aboriginal legal services, the community health organisations and the native title bodies, all of which have elected representation. They marry with government business through the Indigenous Affairs Advisory Council - which was previously the Aboriginal Affairs Coordinating Committee - to provide advice to the Government from that elected arm base. The Department of Indigenous Affairs will continue to provide advice to the Government from that elected arm base. The DIA will continue to advise the Government - that is one of our two major outputs - based on our understanding of advice to the Government.

The third component that we are trying to bring into this equation is the other commonwealth agencies. The Indigenous Affairs Advisory Council could be chaired by anybody. However, it is my preference that it be chaired through the Department of the Premier and Cabinet because we want to establish that body within the machinery of government. The DIA will continue to provide ongoing commentary to the Government about what is happening on the ground with services. I do not want to detract from other government departments, but I believe that an agency can sometimes have a single focus and it can describe its outcomes for its primary business. One of the major shifts over the years in the government approach to service stability has been an attempt to address what we call a "program logic" to service delivery. This program logic attempts to describe the problem that is trying to be addressed and the agencies that need to be involved, and it looks at whether those agencies are delivering the right sort of programs. If not, the programs must be changed or modified. It also attempts to identify gaps in the system.

We see an ongoing, enduring role for the Department of Indigenous Affairs in giving advice to government. It is a small organisation - 130 people cover the length and breadth of the State. The Aboriginal Lands Trust is responsible for 330 parcels of land over 27 million hectares, which is approximately 13 per cent of the service area of the State. It is a complex agenda, and it meshes with native title. It is a time-limited role. We are putting more resources into land to link the Aboriginal Lands Trust process with the native title process, so that the Government does not fall over itself because the left hand does not know what the right hand is doing. The ALT process has proved to be problematic. It is a complex issue. We can provide more detail if members require, as

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a representative from the ALT is here today. The process is taking longer than we expected, and that has been acknowledged within government. The five-year time line is unrealistic. Our intention it is to prepare a cabinet submission to focus ALT activity around the native title process. The major shift Aboriginal people experience when they get land is that they have something of substance that they did not have before. Our strategy, which is not inconsistent with previous approaches, is to ensure sustainability of programs and outcomes through better economic and social advantages from the transfer of land. In that way government will not have to continually put in money. DIA has a secondary role in the long term to assist building the capacity of those communities to benefit from the transfer of land, although it will always be involved in a range of one-off service and ALT issues. Primarily, the department responds to the needs of Aboriginal communities. They are the two primary goals that I believe will keep this organisation in business for some time. I cannot give a definite basis of that time.

[9.30 am]

Hon LJILJANNA RAVLICH: I refer to the capital works program on page 1155 of the *Budget Statements*, which shows an estimated expenditure of \$830 000. What is the purpose of this funding and the strategy for utilising it?

Mr STYLIANOU: The \$830 000 capital works program is primarily aimed at improving the department's information management systems. The department has various core systems, including the heritage system and the land register system. The program also involves asset replacement. We are still running Windows 95, and we want to bring our software up to speed. They are the two major components of the capital works program for this year.

Hon PETER FOSS: One of the areas of concern, which was raised yesterday by the Director General of the Department of Justice, is the overrepresentation of Aboriginal people in the justice system. The Aboriginal Justice Council has drafted an Aboriginal justice plan, which has been endorsed by the Justice Coordinating Council. The basis of the plan is that it should be implemented by Aboriginal people, but some local support is needed for explanation and adoption. What is the status of that plan, and does the department have a role in assisting with its local adoption?

Mr CURRY: The Aboriginal justice plan was one of the first attempts within government to align government business with a clear objective to reduce the overrepresentation of Aboriginal people in the criminal justice system. It addresses the underlying causes of family issues, policing and education. It addressed a range of other issues, but those are the three primary areas in which the plan hopes to bring about a change from focusing on outcomes in the justice area. The Department of Justice is the lead agency for the justice plan. The role of the then Aboriginal Affairs Department, spelt out in the coordinating agreement, was to bring together various agencies to facilitate the development of the plan under the guidance of the chair of the Aboriginal Justice Council. The plan has not progressed, although I cannot comment on what may be the Department of Justice's current intentions. The major difficulty with these sorts of plans is not the quality of the plan but achieving coordination across government. It is an excellent plan. In progressing this, the Department of Indigenous Affairs has reinvigorated the Aboriginal Affairs Coordinating Committee through the establishment of the Indigenous Affairs Advisory Council. The political constituency for the IAAC is the standing committee on social policy, which has representation from the Department of Justice and the Police Service. We will put to the standing committee the proposition that the justice plan should be one of the primary drivers for business in the next 12 months of government, mainly because the plan has been drafted, it is well thought out and has a sound base. It is based on evidence, resulting from much planning. That committee will meet for the first time in December this year. We are discussing with the Department of Justice putting the plan on the agenda to ensure that it is given some life. However, I cannot comment on the thinking of the Director General of the Department of Justice. These comments are only an observation.

Hon PETER FOSS: I asked the question because of Mr Curry's earlier statement about the local area coordinators. I agree that they were not a great success. However, the chair of the Aboriginal Justice Council believed that the local area coordinators could provide real assistance with the adoption of local plans. One of the basic theories of the plan - it relates to the summit on Aboriginal deaths in custody - is that all action should be agreed with and driven by the local Aboriginal communities, and that they should be assisted to formulate their own plans. The difficulty is finding a mechanism for driving local plans. The only agency that appeared to have resources in that area was the Department of Indigenous Affairs. However, if the department has gotten rid of the local area coordinators - I do not object to that - it may also have gotten rid of the only people who were able to assist the Aboriginal Justice Council. Is there any alternative, and has the loss of that particular area been understood?

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[9.40 am]

Mr CURRY: The staff involved with local area coordination are still within the agency. The only change is that we have moved away from the structural aspects of local area coordination, in which officers located in towns were given an unrealistic brief. Those officers continue to exist, although some consider land and heritage as a greater priority. The officers are still based in the regional areas. They will take a more coordinated and strategic focus. I hope that satisfies the member. We want local regional staff to be more active in progressing agendas, rather than responding to individual needs in the community. A large amount of time of the local area staff was taken up by people walking through the front door with bills or issues that needed to be resolved. Although those matters should not be dismissed, I do not believe they are the responsibility of the Department of Indigenous Affairs. People with housing problems should deal with the Department of Housing and Works, and so on. We want to put the plan on the agenda of the IAAC; and we hope that by doing so we can instruct our staff on their role in actively promoting it in a coordinated way at a regional level within government.

If a community identifies justice issues as a high priority to be addressed through its remit, the Department of Indigenous Affairs should coordinate services and engage with the community on the approaches it wishes to take. The plan provides an excellent, simple to understand way of addressing it. If, on the other hand, the community says that it can live with the justice issues, and its priorities are health or education issues, the department does not want to direct the community to address those issues in certain ways. On the other hand, the plan provides good guidance for government officials who deal with justice matters. The focus for government agencies, and primarily the lead responsibility of the Department of Justice, is to examine the contribution and activity of other agencies, at least at program level, to determine whether there is a good mix of programs to address justice issues.

The role of the Department of Indigenous Affairs is less involved in driving the plan, which lies within the bailiwick of the Department of Justice. The department's primary role is to facilitate coordination and engagement with the Aboriginal community, to understand the agenda and assist government agencies to undertake business with the community on matters that need to be addressed. The views of the former Chair of the Aboriginal Justice Advisory Committee are correct. This will not work unless Aboriginal communities play a participatory role. The first step, and one of the contributions we can and will make, is the engagement with those communities on justice issues.

Hon FRANK HOUGH: I refer to the fourth dot point at page 1147, which reads -

The Aboriginal Lands Trust (ALT) estate land transfer and management functions are now interwoven with government policy to co-operate wherever possible with Native Title Representative Bodies and the Western Australian Aboriginal Native Title Working Group (WAANTWG).

In my maiden speech I said that WAANTWG does not currently have any authority or legal power to negotiate people's rights. I asked a question of the Deputy Premier in Parliament two weeks ago on whether the Western Australian Aboriginal Native Title Working Group would be given legal power or authority to negotiate native title rights of Aboriginal people by the end of the year; and, if so, whether the staff of WAANTWG would be democratically elected by the individual claimant groups. Hon Tom Stephens said, "No, WAANTWG does not exist." I have a copy of a statement made by the Premier the other day about the commitment to new and just relationships between the Government and Aboriginal people of Western Australia, which refers to the Western Australian native title working group. It is evident from the reference to it on page 1147 that it exists. What is WAANTWG? What is its function? Who will staff it? What is its total function with respect to the Western Australian Aboriginal group? I am trying to ascertain its role. The name "WAANTWG" seems to be thrown around, but indigenous people do not have a clue about it.

The DEPUTY CHAIRMAN: Can members keep answers succinct, because we have only another 10 minutes and a number of people want to ask questions.

Hon E.R.J. DERMER: Succinct answers?

The DEPUTY CHAIRMAN: Yes, succinct questions and succinct answers.

Mr CARLETON: I understand that the Western Australian Aboriginal Native Title Working Group is a federation of the native title representative bodies in Western Australia. They are funded by the Commonwealth through the Aboriginal and Torres Strait Islander Commission. I think WAANTWG is sponsored by ATSIC.

Hon E.R.J. DERMER: Reference is made in the final dot point on page 1147 to Aboriginal community patrols. I would be grateful for further information about the work of these patrols.

Mr CURRY: Aboriginal street patrols are organisations run by Aboriginal communities. Their funding is administered by the Department of Indigenous Affairs. The primary focus and responsibility of the patrols is to

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provide a community-based response, primarily to interface issues between the community and the police. They take on some roles in relation to truancy. They have a vehicle, and a group of trained people ranging in number from 10 to 20 people depending on the area. They patrol when there is likely to be difficulty for indigenous people, primarily on the streets and in public areas. They provide an excellent service in assisting disorderly or drunk people or people in difficulty to return home, to be taken to a safe place or to be taken to a sobering up shelter, hence avoiding contact with the police.

The additional money in the budget this year is for extra funding for the Kalgoorlie patrol, and for an initiative in Geraldton to determine whether a substantial increase in funding will assist the patrols to operate better. In the main, patrols are allocated approximately \$50 000 each, which, in our view and it is recognised generally, is a low amount on which to run each patrol program. They also get funding from the Commonwealth through work-for-the-dole money. The intention is to properly evaluate whether an increase in funding can institute a better result for patrols, and as a result support a case to government to increase funding for patrols generally.

Hon E.R.J. DERMER: I am interested in the response from the Aboriginal communities to the work of the patrols and how well received they are.

Mr CURRY: The response from the communities generally is good. They value the patrols as a service. The patrol is seen as the community's service rather than one that the department directs or manages - the local community owns it. As I suppose occurs with all sorts of community based organisations, difficulties arise in management, direction and focus from time to time. However, in the main the patrols are well regarded. A formal evaluation of patrols has not yet been undertaken. This year the department intends to commence an evaluation to determine whether we can get a better handle on how the patrols are viewed by not only the local Aboriginal community, but also the community generally and government agencies.

Hon DERRICK TOMLINSON: I refer to the capital contribution table on page 1155 of volume 3 of the *Budget Statements*. The working capital requirement for leave liability in the 2000-01 budget adjusted for accrual accounting is \$314 000. The estimated expenditure in the same financial year is \$14 000. However, no provision has been made for leave liability in this or ensuing budgets. What was the actual leave liability for the agency in 2000-01? What will be the leave liability for 2001-02?

[9.50 am]

Mr STYLIANOU: The \$314 000 in the 2000-01 budget column represents the estimated movement in liability between 1999-2000 and 2000-01. That is a result of the introduction of accrual appropriations. In other words, if there were a movement of that amount, it would come from the accrual appropriation. A year later, when the estimated figures were computed, the figure was only \$14 000. That is the movement between the 1999-2000 actual liability figure and the 2000-01 figure. There are no figures because we expect leave liability to stabilise in the out years. At this stage, it is not anticipated that we will need to draw on our accrual appropriation figure.

Hon DERRICK TOMLINSON: What is meant by "stabilise"?

Mr STYLIANOU: The department does not have a large leave liability for any staff member. Most staff members take a regular four-week break and have no more than one outstanding long-service leave entitlement.

Hon SUE ELLERY: The first dot point on page 1154 of the budget documents refers to the national policy on reconciliation and how the State manages that policy. What state initiatives have been implemented in this area?

Mr CURRY: Reconciliation remains one of the most important agenda items for the indigenous community. It ranks alongside land as a primary business agenda item. My advice from the broader Aboriginal community is that this is not about reconciliation for Aboriginal people; it is about reconciling the entire community.

This financial year the Government has allocated \$105 000 for projects to assist reconciliation at the local level. The maximum grant will be \$5 000. This process is designed to assist local initiatives, given that at the state level in the past year there has been a recognition of and goodwill towards reconciliation in the Western Australian community. We are trying to take the next step of offering grants to assist local communities to come together and progress reconciliation at that level.

Hon JOHN FISCHER: I refer to page 1147 and the department's stated mission, which is to enable Aboriginal people to determine their own lives. My question relates to the establishment of groups such as the Yamatji Land and Sea Council, which covers the mid west, the Gascoyne and the Pilbara, and the subsequent abandonment of groups such as the Pilbara Aboriginal Land Council. I have been approached by many constituents in that area who are very much opposed to this situation. How much involvement was afforded local communities in the formation of these regional groups? If true representation was offered, why is there so much dissension in these Aboriginal communities about the removal of local self-determining groups? That appears contrary to the department's stated mission.

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Mr CARLETON: Native title representative bodies and boundaries are determined by the Commonwealth Government, not the State Government.

The DEPUTY CHAIRMAN: Members who have further questions that they would like put on notice should submit them in writing to the clerks within the next 30 minutes. If additional information is required, it should be provided to members. I thank the parliamentary secretary and his advisers for attending today and their contributions.

[10.00 am]