

**PUBLIC**

21/10/13

ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE  
QUESTIONS ON NOTICE SUPPLEMENTARY INFORMATION



Tuesday, 24 September 2013

**Department of Aboriginal Affairs**

*Question No. 1: Hon Adele Farina MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 320 'Income Statement,' line item, 'Surplus/Deficit for the period' and ask –*

*Is the Department projected to operate at a deficit this year?*

*Why has the total appropriation to deliver services been so significantly reduced?*

Answer:

No. The deficit shown for 2013-14 will be covered by accumulated surplus funds (Cash at Bank).

The reduction in the total appropriation is mainly attributable to the cessation of funding agreements and finalisation of one off funding schemes including:

- \$1.25 mil Stolen Wages Reparation Scheme completed; and
- \$2.2 mil COAG Remote Service Delivery Agreement ceases.

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**Department of Aboriginal Affairs**

*Question No. 2: Hon Adele Farina MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 315 'Service Summary', line item, 'Heritage Management', and ask –*

*a) Of the \$10,505,000 to be spent this financial year on Heritage Management, how much will be spent in the South West region (electoral region)?*

*b) What Heritage Management projects will be undertaken in the South West region in 2013/14?*

Answer:

- a) There are two full time heritage employees based in the South West.
- b) To date, funds have not yet been allocated specifically to projects by region. The Department of Aboriginal Affairs is currently identifying priority heritage projects within all regions of the state.

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**Department of Aboriginal Affairs**

*Question No. 3: Hon Adele Farina MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 315 'Service Summary', line item, 'Community Development', and ask –*

- a) Of the \$3,253,000 to be spent this financial year on Community Development, how much will be spent in the South West region (electoral region)?*
- b) What Community Development projects will be undertaken in the South West region in 2013/14?*

○  
Answer:

- a) The calculation applied to determine corporate support expense allocation for Community Development is a percentage of the total cost applicable to whole of agency operating costs. Community Development undertakes a range of activities through Strategic Projects across Western Australia.
  - b) Community Development projects include a representative participation component from the South West. Projects include the Leeuwin Youth Development Program, the Partnerships, Acceptance Learning Sharing (PALS) program and discretionary grant and sponsorship funding for projects managed by external organisations to deliver initiatives that align with the objectives the Department of Aboriginal Affairs Strategic Framework 2012-14.
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**Department of Aboriginal Affairs**

*Question No. 4: Hon Adele Farina MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 317 'Service and Key Efficiency Indicators', and ask –*

- a) Of the 157 FTE allocated to the Department, how many of these FTEs are located in the South West region (electoral region)?*
- b) Where in the South West are they located?*
- c) What are the position titles and roles of employees located in the South West?*

Answer:

- a) Four.
- b) 121 Aberdeen Street, Albany 6330.
- c) Senior Project Officer, Heritage Project Officer, Senior Heritage Officer and Management Support Officer.

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Tuesday, 24 September 2013

**Department of Aboriginal Affairs**

*Question No. 5: Hon Adele Farina MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 321 'Details of Controlled Grants and Subsidies', line item, 'Aboriginal Community Emergency Response Fund – Royalties for Regions', and ask –*

- a) *What is the purpose of this fund?*
- b) *How much of the funding allocated to this fund will be expended in the South West region (electoral region)?*

Answer:

- a) The purpose of the Aboriginal Community Emergency Response Fund (ACERF) is as follows:
- ACERF is an emergency response fund that provides the Aboriginal Affairs Coordinating Committee (AACC) with the ability to approve immediate action to deal with emerging crises in regional Aboriginal communities and the capacity to intervene in a more effective manner to pursue time critical interventions and emergency responses which urgently need to be met by Government.
  - ACERF is a \$10 million dollar fund that will be consumed progressive over the forward estimates period 2011 – 2015 and beyond, on a needs basis. ACERF will enable flexible and timely responses to crisis situations, such as a public health risk or community safety risk, for Aboriginal people living in remote, regional and town based communities.
  - ACERF will allow the AACC to act at short notice whilst allowing responsible agencies to later apportion expenditure from existing programs and appropriations where applicable.
- b) The nature of the fund does not enable the forward prediction of expenditure in a specific region of Western Australia.

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**Department of Aboriginal Affairs**

*Question No. 6: Hon Robin Chapple MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 314, and ask –*

*How has the reduction (approximately \$3 million) in the FTE ceiling over 2012/13 affected service delivery; particularly in regards to Community Development and Accountable Government, where most of the cuts appear to have occurred (see pages 317 and 318)?*

Answer:

Service delivery has not been affected. The FTE ceiling reductions were mainly met through the abolishment of substantively vacant positions and the non-renewal of non-essential fixed term contracts.

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**Department of Aboriginal Affairs**

*Question No. 7: Hon Robin Chapple MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 314, and ask –*

- a) Is any of the extra approximate \$2.55 million for Aboriginal community patrols in 2013/14 allocated to regional programs/patrols?*
- b) If yes to (a), how much has been allocated to which areas?*
- c) What was the main criteria used to decide where funds would be allocated?*

Answer:

- a) Yes.
- b) 73 per cent of the extra \$2.547 million has been allocated to regional patrols as follows:

Patrol location	Amount allocated from \$2.547 mil in 2013/14
Wyndham	\$ 154,565
Kununurra	\$ 154,565
Halls Creek	\$ 107,556
Derby	\$ 118,874
Broome	\$ 176,918
Roebourne	\$ 56,997
Hedland	\$ 119,058
Laverton	\$ 170,823
Kalgoorlie	\$ 222,055
Geraldton	\$ 170,356
Carnarvon	\$ 126,144
Meekatharra	\$ 148,230
Mullewa	\$ 128,802
<b>Total</b>	<b>\$1,854,943</b>

- c) Additional funding received in 2013/14 of \$2,547,000 enabled the continued operation of existing of Aboriginal Patrols Program contracts when Community Development Employment Projects (CDEP) replacement funding ceased at 30 June 2013.

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**Department of Aboriginal Affairs**

*Question No. 8: Hon Robin Chapple MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 314, and ask –*

*Which program(s) are to be 'rationalised' over:*

- a) 2013/14*
- b) 2014/15*
- c) 2015/16*
- d) 2016/17*

Answer:

- a) NAIDOC - \$100,000, Priority Heritage Protection - \$50,000, Heritage Forums \$97,000.
- b) NAIDOC - \$100,000, Priority Heritage Protection - \$50,000, Heritage Forums \$97,000.
- c) NAIDOC - \$100,000, Priority Heritage Protection - \$50,000, Heritage Forums \$97,000.
- d) NAIDOC - \$100,000, Priority Heritage Protection - \$50,000, Heritage Forums \$97,000.



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Tuesday, 24 September 2013

**Department of Aboriginal Affairs**

*Question No. 9: Hon Robin Chapple MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 314, and ask –*

- a) What is the total paid out for the Stolen Wages Reparations Scheme from the program's inception to 2012/13?*
- b) Have all applications for reparations been assessed?*
- c) If yes to (b), have all those applications found to be valid been fully paid out?*
- d) If no to (b), what are the Department's plans for these unpaid applications?*
- e) What percentage of claims were ruled valid/invalid?*
- f) What was the main criteria used to assess whether a claim was considered valid?*
- g) Does the Department have any plans to assist those who were unable to claim compensation but were still victims of 'stolen wages' (not necessarily financial assistance)?*

Answer:

- a) \$2,526,000 at 30 June 2013.
- b) Yes.
- c) Yes.
- d) Not applicable.
- e) 62.7% of claims were eligible and 37.3% ineligible.
- f) The reparation payment was approved for each applicant who was an Aboriginal person born prior to 1958 who was determined on the evidence available to have experienced direct government control over his/her income during their residency at government native welfare settlements in Western Australia, including Moore River Native Settlement, Carrolup, Mulla Bulla Station and Sister Kate's home.
- g) No.

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**Department of Aboriginal Affairs**

*Question No. 10: Hon Robin Chapple MLC asked –*

*Can you give more detail as to what amendments are proposed to the Aboriginal Heritage Act 1982?*

*a) Does the aim of “improving processes around heritage protection, approvals and site registration” refer to speeding up the process or improving the protections for indigenous heritage sites?*

*b) Given the apparent success of training in reducing the time taken to complete initial assessments (see note 1, pg 317), why are legislative changes considered necessary?*

*c) Did the aim, referred to previously, come from the Minister or from the advice of the Department?*

*d) Were any specific sites or developments considered when these changes were proposed?*

*e) If yes to (d), which ones?*

Answer:

a) The aim is to improve the administrative processes to enable better protection of Aboriginal heritage sites.

b) The initial assessment process referred to is in relation to compliance investigations, which has no bearing on the proposed legislative changes.

c) The aim was achieved through extensive consultation with stakeholders and represents a whole of government approach to reviewing the legislation. The Minister for Aboriginal Affairs has endorsed the reform direction proposed by the Department of Aboriginal Affairs.

d) No. The proposed changes are focussed on improving protection for sites and ensuring administrative processes are clear and transparent.

e) Not applicable.

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Tuesday, 24 September 2013

**Department of Aboriginal Affairs**

*Question No. 11: Hon Robin Chapple MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 317, and ask –*

- a) Who among the Department's senior Heritage staff (Level 6 and above) offer direct professional support to the Aboriginal Cultural Material Committee on a regular, on-going basis?*
- b) What are their qualifications (brief CV and substantive level)?*
- c) When were these staff members hired?*

Answer:

a) – c) The following staff (Level 6 and above) provide direct and indirect advice to the Aboriginal Cultural Material Committee:

<b>Name/Position</b>	<b>Classification</b>	<b>Qualifications</b>	<b>Year Hired</b>
Tanya Butler, Registrar	Level 8	12 years experience working in heritage directorate and 9 years directly managing Aboriginal heritage site assessments.	1999
Aaron Rayner, Chief Heritage Officer	Class 1	Senior public administrator. 3 years working in Aboriginal heritage.	2010
Alexander Rorrison, Senior Legal Office - Heritage	Level SL5	Lawyer.	2011
Cesar Rodriguez, Manager, Approvals and Advice - Government	Level 7	Qualified Geographic Information System officer	2005
Christine Lewis, Manager, Approvals and Advice – Industry	Level 7	Public administrator.	2007
Sally McGann, Approvals and Advice Officer	Level 6	Qualified Archeologist.	2008
Simon Keenan, Approvals and Advice Officer	Level 6	Qualified Historian.	2008
Ryan Crawford , Approvals and Advice Officer	Level 6	Qualified Archeologist.	2009
Aidan Ash , Approvals and Advice Officer	Level 6	Qualified Archeologist.	2011
Ann Hunter, Site Assessment Officer	Level 6	Historian and legal background.	2011
Jane Mollan, Site Assessment Officer	Level 6	Qualified Anthropologist.	2013
Henry Thomason , Site Assessment Officer	Level 6	Qualified Archeologist.	2013
Nigel Wright -,Site Assessment Officer	Level 6	Qualified Archeologist.	2013

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**Department of Aboriginal Affairs**

*Question No. 12: Hon Robin Chapple MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 317, and ask –*

- a) When did the new site recording form come into operation?*
- b) Has the new form become a barrier to submitting heritage sites, due to the extensive information required and the need to justify each claim?*
- c) Is the form the reason for the drastic reduction in sites being determined, as indicated in the QON840 answered by the Minister for Aboriginal Affairs on 7 August 2013?*

Answer:

- a) The heritage information submission form came into operation in December 2012.
- b) No. Heritage information is still being submitted, and the statistics show no decline in numbers of heritage submissions received by the Department of Aboriginal Affairs.
- c) No. The form is designed to make it easier for those submitting to understand what sort of information is required to meet the terms of the legislation.

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**Department of Aboriginal Affairs**

*Question No. 13: Hon Robin Chapple MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 318, and ask –*

*Is the 'average cost per initiative funded' a good indicator of efficiency for Community Development, given it does not seem to take account of the outcomes achieved by spending on programs?*

Answer:



Yes. The calculation of efficiency indicators is proportionally divided by the percentage of each relevant funding allocation. The effectiveness indicator seeks to measure the extent to which the desired outcomes have been achieved.



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**Department of Aboriginal Affairs**

*Question No. 14: Hon Robin Chapple MLC asked –*

*I refer to the Budget Paper No 2 Volume 1 at page 318, and ask –*

*How has the one third reduction in FTE employees between 2011/12 and 2012/13 in Community Development affected the ability of the Department to deliver services?*

**Answer:**

The delivery of services has not been affected by the FTE reduction in Community Development. The reduction was largely a result of a change in organisational structure to better reflect the functional delivery of services. Whilst there has been a realignment of resources, the effectiveness indicator results show that stakeholder satisfaction has not been affected.

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**Department of Aboriginal Affairs**

*Question No. 15: Hon Robin Chapple MLC asked –*

*What was the purpose of the Kimberley Interpretive Service and can the Department fulfill its goals/programs without this service?*

Answer:

The purpose of the Kimberley Interpreting Services (KIS) is to:

- provide a central booking service for registered and accredited Aboriginal language interpreters;
- match clients with interpreters according to Indigenous cultural protocols, client needs, and interpreter specialization;
- provision of training courses for new interpreters in arrangement with Central Institute of Technology Perth for the delivery of the Diploma of Interpreting;
- development of strategies to educate Aboriginal communities about the proper role of interpreters as communicators rather than decision makers;
- provide interpreter services for Aboriginal individuals and families to assist in accessing services delivered by Government and ensure an individual understands of obligations and options (particularly with regards to justice and health services); and
- provide interpreter services across the four priority locations in relation to the National Partnership Agreement for Remote Service Delivery (RSD).

The Department of Aboriginal Affairs (DAA) is able to fulfill its goals and programs through:

- the use of community people who are bilingual and are able to interpret the local Aboriginal language on an as needs basis;
- the use of language (oral and written) that will enable communication between DAA and its clients who speak little English or English is their second language; and
- engagement of suitable qualified interpreters (fee for service) where there is a need for a formal interpreting services.

ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE  
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**Department of Aboriginal Affairs**

*Question No. 16: Hon Robin Chapple MLC asked –*

*Regarding the technical amendments of the Aboriginal Heritage Act 1972*

- a) Who, among external professional cultural heritage experts, is directly contributing to drafting the technical amendments?*
- b) Which senior level departmental staff (Level 7 and above) as contributing as well?*
- c) What stakeholder consultation (supply the names of groups of people) has occurred in scoping the technical amendments and over what period?*
- d) When does the Department expect to table the amendments?*
- e) How will the technical amendments specifically achieve improved outcomes for Aboriginal Heritage Places and for local Aboriginal communities?*
- f) What new administrative processes will be established to implement the amendments?*
- g) How much time will be set aside to bed down the new processes?*
- h) Which departmental staff will be involved in information sessions aimed at facilitating the new arrangements?*
- i) How, specifically, are the changes going to be disseminated to stakeholders?*

Answer:

- a) Dr John Avery.
- b) Mr Aaron Rayner, Chief Heritage Officer  
Dr Kathryn Przywolnik, Director, Office of the Chief Heritage Officer  
Mr Alexander Rorrison, Senior Legal Officer  
Ms Tanya Butler, Registrar of Aboriginal Sites  
Ms Maryie Platt, Director Policy and Reform  
Ms Jacqueline Brienne, Principal Legal Officer
- c) State Solicitor's Office  
Mr Craig Bydder, Senior Assistant State Counsel  
Mr Trevor Crewell, Senior Assistant State Solicitor  
Mr Jeff O'Halloran, Senior Advisor  
Consultation period = 12 months (approximately)



Private Legal Practitioner

Mr Ken Petit, Senior Counsel

Consultation period = 1 month (approximately)

Department of the Premier and Cabinet

Mr John Catlin, Executive Director

Mr Adrian Murphy, Director

Dr Stephen Robson, Principal Project Officer

Consultation period = 6 months (approximately)

Department of State Development

Dr Richard Riordan, General Manager

Mr Bruce Simpson, Project Manager

Ms Milka Klobucar, Executive Director

Consultation period = 1 month (approximately)

Department of Treasury

Mr Mick Jolob, Director Financial Policy

Mr Brendan Cullen, Assistant Director

Ms Justine Mezzatesta, Senior Policy Analyst

Ms Jodie Osborne, Strategic Policy and Evaluation

Consultation period = 4 months (approximately)

Aboriginal Cultural Material Committee

Mr Gavin Fielding, Chair, Aboriginal Cultural Material Committee

Consultation period = 1 month (approximately)

Office of Environmental Protection Authority

Ms Naomi Arrowsmith, Manager, Strategic Policy

Ms Ruth Clark, Senior Environmental Officer

Consultation period = 2 months (approximately)

Parliamentary Counsel's Office

Mr Patrick Tremlett, Senior Parliamentary Counsel

Mr Walter Munyard, Parliamentary Counsel

Consultation period = 13 months

- d) The Department of Aboriginal Affairs (DAA) is working to provide the Minister for Aboriginal Affairs (the Minister) with a Cabinet Submission in 2013 or early 2014.
- e) The proposed technical amendments will:
- allow for much greater protection of sites through higher penalties, the extension of time to prosecute from the time of the offence to accommodate the remoteness and inaccessibility of the State and the ability for the Courts to issue remediation orders to repair or restore damage to sites;
  - improve the quality of information on the Register of Aboriginal places and objects (the Register) through being able to prescribe a more robust, transparent and accountable assessment process;
  - make it clear that processes for entering and removing information on the Register, the information on the Register and the prohibition or restriction of disclosure of some or all information in the Register will be prescribed in regulations;
  - improve evaluation of the importance and significance of places and objects in accordance with sections 5 and 6 by proposed additional prescribed criteria;

- ensure that Traditional Owners and others who know the relevant Aboriginal traditions will be consulted as the source of information about the importance and significance of sites;
  - improve the accuracy of site location information on the Register;
  - allow the DAA to recover costs for services provided which will enable departmental resources to be applied flexibly in response to demand for services from Aboriginal communities; and
  - ensure that all persons or bodies who use or manage land can clarify their obligations to protect Aboriginal heritage under the *Aboriginal Heritage Act 1972* (AH Act).
- f) The proposed amendments provide for the administrative procedures associated with the Register of Places and Objects and section 18 consents to be prescribed in the Aboriginal Heritage Regulations 1974 (AH Regulations). New administrative processes will also include new forms and delegations.
- g) The timeframe will be informed by stakeholder needs.
- h) Departmental staff (Level 7 and above) involved will include:
- Mr Aaron Rayner, Chief Heritage Officer
  - Dr Kathryn Przywolnik, Director, Office of the Chief Heritage Officer
  - Mr Alexander Rorrison, Senior Legal Officer
  - Ms Tanya Butler, Registrar of Aboriginal Sites
  - Mr John McDonald, Project Manager
  - Ms Julie Anderson, Director Program Management
  - Ms Maryie Platt, Director Policy and Reform
  - Ms Christine Lewis, Manager Advice and Approvals Industry
  - Mr Cesar Rodriguez, Manager Advice and Approvals Government
  - Mr Damian Katich, Manager Communications
- i) DAA will engage key stakeholders by:
- direct mail out of the proposed changes with accompanying fact sheets on the key elements of the proposed changes to respondents of the Discussion Paper;
  - updating the Department's website to include information on the proposed changes; and
  - convening key stakeholder forums to discuss the proposed changes and the development of the AH Regulations.