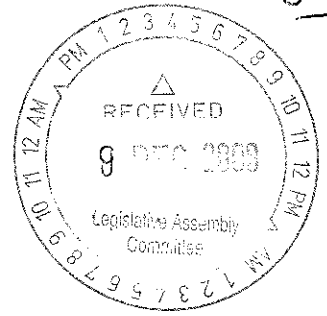




MINISTER FOR
HOUSING AND WORKS; INDIGENOUS AFFAIRS;
HERITAGE; LAND INFORMATION



Our Ref: 11-15800

Hon Tom Stephens MLA
Chairperson
Education and Health Standing Committee
Parliament House
PERTH WA 6000

Dear Mr Stephens

In response to your letter dated 15 May 2008 I am pleased to provide the State Government's response to the recommendations of the Education and Health Standing Committee report *Ways Forward – Beyond the Blame Game: Some Successful Initiatives in Remote Indigenous Communities in WA*.

I take this opportunity to commend the Education and Health Standing Committee on the extensive and important work it has undertaken to produce the *Ways Forward* report and its recommendations.

Yours sincerely

HON MICHELLE ROBERTS MLA
MINISTER FOR INDIGENOUS AFFAIRS

05 AUG 2008

**RESPONSE OF THE WESTERN AUSTRALIAN
GOVERNMENT**

TO THE

**WESTERN AUSTRALIAN LEGISLATIVE
ASSEMBLY**

**EDUCATION AND HEALTH STANDING
COMMITTEE REPORT**

***WAYS FORWARD – BEYOND THE BLAME GAME:
SOME SUCCESSFUL INITIATIVES IN REMOTE
INDIGENOUS COMMUNITIES IN WESTERN
AUSTRALIA***

JULY 2008



INTRODUCTION

The Western Australian State Government welcomes the Education and Health Standing Committee's report *Ways Forward – Beyond the Blame Game: Some Successful Initiatives in Remote Indigenous Communities in WA*.

This document details the Government's response to the 27 recommendations contained within Committee's report. This response has been informed by the following agencies:

- Department of Indigenous Affairs
- Department of Housing and Works
- Department of Planning and Infrastructure
- Department of Industry and Resources
- Department of Local Government and Regional Development
- Department of Corrective Services
- Department of the Attorney General
- Department of Education and Training
- Department of Racing, Gaming and Liquor
- Main Roads Western Australia
- Department of Treasury and Finance

In providing this response the Government commends the important work undertaken by the Education and Health Standing Committee. The many challenges facing regional and remote Indigenous communities are highlighted in the Committee's report, as are the policy and program responses from Government that are required to effect change.

As the Premier indicated in his statement to Parliament on 30 August 2007, the Government has a reinvigorated commitment to the delivery of appropriate services to Indigenous Western Australians. A renewed focus is underway that seeks to address Indigenous social and economic disadvantage. Many of the Government's initiatives aimed at facilitating change are detailed in this response. Many more initiatives will be required, and the Government thanks the Committee for its detailed research and recommendations.

MICHELLE ROBERTS MLA
MINISTER FOR INDIGENOUS AFFAIRS

EDUCATION AND HEALTH STANDING COMMITTEE

WAYS FORWARD – BEYOND THE BLAME GAME: SOME SUCCESSFUL INITIATIVES IN REMOTE INDIGENOUS COMMUNITIES IN WA

Recommendation 1

This Committee recommends that, in light of the further recent deaths of youths in the Kimberley and the findings contained in this Report, the WA Government response to the recommendations made by the Coroner in the Inquest into 22 Indigenous deaths in the Kimberley must include a detailed program of social and economic initiatives.

The Minister for Indigenous Affairs tabled the State Government's response to Coroner Hope's recommendations in State Parliament on 8 April 2008. The Minister's report lists the current economic and social initiatives in place to address Indigenous disadvantage in the Kimberley region, and in Fitzroy Crossing in particular. Since the tabling of the State Government's report, the Drug and Alcohol Office has completed, in close consultation with stakeholders, a regional alcohol management plan that would introduce liquor licensing restrictions on takeaway alcohol throughout the Kimberley region (with some flexibility depending on the location). Further, the Department for Child Protection has progressed its work with the Commonwealth's Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA); compulsory income management is now being phased in the Kimberley region in the following stages: Halls Creek and Kununurra by 1 July 2008; Fitzroy Crossing and Wyndham by 1 September 2008; and Broome and Derby by 1 November 2008.

While many of the Coroner's recommendations can only be addressed through the implementation of ongoing, long-term strategies, the State Government has taken immediate action wherever possible, including the allocation of up to \$5.4 million to build a swimming pool in Fitzroy Crossing and a \$2 million expansion of the East Kimberley Clontarf Football Academy over the next five years.

The State Government will continue to work in partnership with Indigenous people and all levels of government to address the issues that Coroner Hope has raised. Similarly, the Directors General Group on Indigenous Affairs (DGGIA) is continuing to progress work to reduce Indigenous disadvantage throughout the State. The Department of Indigenous Affairs (DIA) is currently developing a draft State Plan on Indigenous affairs for consultation. This plan will incorporate measures to address the broader issues raised by Coroner Hope and will increase the accountability of mainstream service delivery agencies in achieving required outcomes. That Department is also leading the State Government's response to a key issue raised by the Coroner regarding sustainable investment in Indigenous communities in Western Australia. The Department is working

with key stakeholders to develop a policy framework that will guide investment to discrete Western Australian Indigenous communities in a way that will maximize the social and economic benefits to Indigenous people.

Recommendation 2

That the Government identify, and give authority to, a specific agency for the oversight, coordination, timing and collation of any survey collection and data analysis involving remote Indigenous communities. That this collection be called the WA Remote Indigenous Communities Dataset (WARICD) and be available on the nominated agency's web site.

This recommendation is supported, however there are significant resourcing, logistical and maintenance issues to be overcome before a WARICD could be implemented. It is acknowledged that a coordinated, interagency database on remote Indigenous communities is highly desirable for the purposes of determining future investment. A more coordinated approach to data collection and maintenance will be considered under the Council of Australian Governments Indigenous Reform agenda and the State Indigenous Investment Framework.

It should be noted that individual confidentiality issues often limit the type of information that can be made available to government agencies.

Recommendation 3

That the proposed WA Remote Indigenous Communities Dataset (WARICD) include a list of the name and geographical location of all the remote Indigenous communities in WA, and that this list is updated annually.

The Department of Indigenous Affairs (DIA) maintains a list of Western Australian Indigenous communities and their geographical locations. This list is available upon request. Maps of Indigenous communities are also available and can be downloaded from the DIA website www.dia.wa.gov.au.

Recommendation 4

That targeted funding and resources be sustained over the long term in order that remote Indigenous communities can benefit from prolonged infrastructure arrangements, including training schemes to assist community members develop the skills for employment in the maintenance of their community's basic service infrastructure.

This recommendation is supported and is reflected in the Department of Housing and Work's (DHW) Statement of Strategic Intent and Priorities for 2007/08:

1. More people in housing
2. Improved Aboriginal communities
3. Improving building and infrastructure

Many of DHW's capital works projects include a local employment and/or training component. This is implemented through DHW's Aboriginal Enterprise and Employment Tendering Preference Policy which applies to all DHW construction and associated consultancy tenders. Aboriginal enterprises and employers are encouraged to participate in tendering processes where a local workforce is available and in consultation with individual communities. Training costs are met by DHW in the tender price.

DHW's Industry Training Unit has set a target of achieving 30% employment of Indigenous apprentices and trainees by 30 June 2009. The DHW Industry Training Program can provide support with training costs.

Funding for housing and infrastructure is presently provided through the Commonwealth State *Bilateral Agreement for the provision of Housing, Infrastructure and Essential Services for Indigenous People in Western Australia – November 2005-June 2008*. This agreement has been extended to 31 December 2008. Further arrangements are the subject of negotiations through the Council of Australian Governments reform agenda.

The provision of housing services is focussed on those communities which have agreed to accept external housing management (contracted by DHW) to ensure improved outcomes for tenants and housing assets.

The State Government has committed \$37.7 million over two years for the delivery of essential services for Indigenous communities. Essential services are delivered to 91 communities through the Remote Area Essential Services program (RAESP). RAESP provides for regular maintenance of infrastructure, emergency breakdown repairs and monthly water sampling. The communities under the program are home to over 80 per cent of Indigenous people residing in remote communities.

DHW is committed to building and sustaining communities and does this through continuing to progress the Indigenous housing reform agenda to ensure that Indigenous housing is being managed to a higher standard with more accountability. This includes engaging 8 regional service providers to manage more than 2200 Indigenous houses, located in 120 communities, throughout the state. The regional service providers are located in Kununurra, Halls Creek, Fitzroy Crossing, Derby, Broome, Port Hedland, Geraldton, Kalgoorlie and the Ngaanyatjarra Lands.

In order to provide essential infrastructure for remote Indigenous communities, there is a need to consider the long-term viability of remote communities. A draft *State Planning Guideline for the Provision of Housing and Infrastructure to Aboriginal Communities in WA* is currently being developed. This Guideline attempts to promote sustainable community development and to inform future State Government investment decisions in remote Indigenous communities.

The draft Guideline is being progressed with the aim that priority for State funded services should be determined by the application of appropriate sustainability measures. This will be particularly important in determining those communities eligible for ongoing housing and essential services support.

Recommendation 5

That consideration be given by the Government to including economic incentives as a condition of the contract commitments of private service providers as a means to encourage them to undertake training schemes for Indigenous community members.

This recommendation is supported and currently being implemented by numerous Government agencies. For example, DHW's Aboriginal Enterprise and Employment Tendering Preference Policy is applied to all DHW construction and associated consultancy tenders. Aboriginal enterprises and employers are encouraged to participate in tendering processes where a local workforce is available and in consultation with individual communities. Training costs are met by DHW in the tender price.

DHW's Industry Training Unit has set a target to achieve 30% employment of Indigenous apprentices and trainees by 30 June 09. The DHW Industry Training Program can provide support with training costs.

Recommendation 6

The recent major increased costs of fuel and transport is having a disproportionate impact on remote Indigenous communities and should be both recognised, and factored into, the calculations of government funding for the provision of normal essential services to these communities, ideally through the mainstream essential service providers (Horizon Power and the Water Corporation).

The Director General of the DHW headed the Taskforce on Essential Services to Indigenous Communities which has made recommendations on how the provision of essential services (water, sewerage and power) could be regularised through the State utilities – the Water Corporation and Horizon Power.

These future arrangements are currently subject to negotiations with the Commonwealth Government. Under the current arrangements, there is shared responsibility between the Commonwealth Government, through FAHCSIA and State through the DHW for the provision of infrastructure, maintenance of infrastructure and operational costs. FaHCSIA is responsible for the provision of funding assistance to communities for the operation of essential services – including diesel fuel for all communities – and routine maintenance of power, water and waste water services in communities with under 50 residents. DHW manages the RAESP contract for maintenance of power, water and

waste water services for 91 communities with more than 50 residents and provides capital upgrades through Commonwealth State Bilateral arrangements.

Recommendation 7

The Committee recommends that, consistent with the newly elected Federal Government's commitment to extend Internet connections Australia wide, the WA Government ask that the Commonwealth pays particular attention to the needs of Indigenous remote communities.

This recommendation is supported and is reflected in the Department of Industry and Resources' statewide telecommunications needs assessment, the results of which will be used as the basis for negotiations with the Commonwealth for the expansion of internet connections across the State.

This telecommunications needs assessment is the third such audit conducted, and will include regional and remote Indigenous communities. The study will assess improvements that have occurred as a result of Commonwealth and State Government programs since 2002. The study will also identify key gaps in services in a statistically reliable manner.

The results of previous audits have led to the Commonwealth funding the Kimberley Broadband Solutions and the Ngaanyatjarra Lands project. The reliability of the data provided has led to Western Australia receiving over 18% of Commonwealth funding in recent programs – a greater proportion than our population.

Recommendation 8

The Committee recommends that the existing power and water supply policy arrangements for remote Indigenous communities of under 100 people, that are not otherwise scheduled for being provided by the mainstream essential service providers, be reviewed urgently with a view to ensuring access to a program of essential service provision that includes utilising new available technologies aimed at ensuring these communities become less reliant on diesel fuel.

Funding for capital works for essential services is 'pooled' between the Commonwealth and State. These limited funds provide for new infrastructure on RAESP communities (50 people or more) and new infrastructure for non-RAESP communities (49 people or less) in the event that existing infrastructure failure leads to the unavailability of power, water or sewerage.

The arrangements for the provision of essential services to remote Indigenous communities are currently under review through the State Government's consideration of the report of the Taskforce on Essential Services to Indigenous Communities. Future

essential services delivery to communities of less than 100 people is being considered within this context.

In determining appropriate levels and standards for essential services to remote Indigenous communities, there is a need to consider the long-term viability of small remote communities and their access to other State services such as police, health and education. It is considered that future investment by the State in Indigenous communities should be targeted to those communities that can provide a high standard of living for residents.

The intent of proposed essential services reforms is to improve power supply and generation system efficiency which will greatly assist fuel-efficiency. Renewable energy use, for example solar-pumping, hybrid or back-up generation and solar water heating, within Indigenous communities is currently promoted where appropriate through existing service arrangements and opportunities to increase access to these technologies are currently being considered.

Recommendation 9

The Committee recommends that an assessment be undertaken of the future road maintenance budget needs of remote communities and that the Department of Planning and Infrastructure, in conjunction with Main Roads and with local government, develop a land access strategy for these communities in light of likely future higher fuel prices.

The State Government Taskforce on Essential Services to Indigenous Communities has endorsed a proposal produced by Main Roads Western Australia to fund and manage the maintenance and improvement of all roads associated with Indigenous communities in Western Australia. The proposal is based on a long-term shared funding arrangement between the State and Commonwealth governments. Future arrangements are currently subject to negotiations with the Commonwealth Government.

Recommendation 10

The Committee recommends that when regional Term Network Contracts for road maintenance are being re-let by Main Roads WA, and new road works are undertaken, that tenders include an evaluation item on the amount of new Aboriginal training and employment opportunities generated in the contract.

There are three Term Network Contracts (TNCs) that cover portions of the State containing the majority of remote Aboriginal communities. These contracts, which are due to terminate between 2010 and 2011 are as follows:

TNC 4 - Goldfields Esperance Region;

TNC 2 - Gascoyne and Pilbara Regions; and

TNC 1 - Kimberley Region.

Main Roads Western Australia (MRWA) is currently developing a strategy to identify the road maintenance delivery methods that will be used following the conclusion of these TNCs. This strategy proposes an Integrated Services Arrangement under which Main Roads will work closely with private service providers and hopefully Local Governments to jointly deliver a range of services including road maintenance. Such an approach will enable Main Roads to have considerably more influence on the engagement and use of regionally based contractors and suppliers, than has previously been achieved under the current contracts.

The above recommendation suggests that one of the selection criteria used to engage private industry be the amount of new training and employment opportunities to be offered by that contractor. It is assumed that the committee is suggesting an approach similar to that currently in place in a number of DHW contracts that provide a financial advantage of up to \$100 000 based on the amount of new Aboriginal training and employment opportunities.

It should be noted that the TNCs currently operating in the Kimberley, Goldfields, Gascoyne and Pilbara Regions employ only a small number of permanent staff.

TNC 1 has approximately 23 people involved in routine maintenance activities and a further two people employed in office-based administrative activities. TNC 2 has approximately 21 people involved in routine maintenance activities plus three office-based administrative staff while, TNC 4 has approximately 15 people involved in routine maintenance activities and three people employed in administrative activities.

The management of these contracts and the delivery of the other services require personnel with specialised skills plus specialist plant and/or personnel that are not currently available within the remote Aboriginal communities. Currently, the management and control of these contracts is delivered using staff recruited from outside of the contract areas and most of the non-routine maintenance works are delivered using sub-contractors who are engaged for specific short periods during the year. On some of these contracts, a number of these sub-contractors are local companies.

However, of the 67 permanent positions which could potentially provide opportunities for people living in remote communities, the vast majority, if not all, are currently filled by 'locals', being long term residents of the regional areas and there is not a significant turnover of these employees. It must be recognised that for management and operational reasons, these employees are based in the large population centres of Broome, Derby, Halls Creek, Kununurra, Port Hedland, Karratha, Newman, Carnarvon and Kalgoorlie.

If the assumption is correct and the Committee is recommending an approach similar to that being taken by the DHW, then MRWA does not support the recommendation.

It is considered greater opportunities exist to successfully offer employment opportunities to local people in remote parts of the State via the engagement of existing Aboriginal

organisations and/or existing local companies in these regions as sub-contractors or service providers. These organisations have offered to develop the services required and understand the special requirements, including the training of local people in the skills and competencies necessary to deliver the works.

Therefore, MRWA does not support the suggestion that a once only monetary allowance be included in the tender process aligned to new Aboriginal training or employment. This approach provides a once off allowance and as the TNC replacement arrangements will have considerable durations, an approach that provides a single allowance at the start of a long term arrangement is not considered the most appropriate method of obtaining the desired outcome.

In addition, if long term contracts are used as part of the future delivery of road maintenance it is anticipated that large, possibly eastern States-based companies would tender for these contracts. As it is not possible to discriminate against eastern States and/or New Zealand companies in a contracting process via the use of monetary allowance for the use of local Aboriginal people, this approach could have a negative impact upon Western Australian companies.

Notwithstanding the above, in order to maximise the availability of local expertise in future road maintenance arrangements, the evaluation processes to be followed will include elements that support the use of local people.

Recommendation 11

The Committee believes that the moratorium on the sale of full-strength and mid-strength take away alcohol in Fitzroy Crossing be continued. The Committee believes that opportunities to expand strategies for alcohol management plans to other towns and communities will be greatly enhanced by securing real opportunities for Indigenous representatives to give voice and input to the policy formulation that guides further implementation.

This recommendation is supported and on the 19 May 2008 the Director of Liquor Licensing extended the Fitzroy Crossing liquor restrictions indefinitely.

In addition, the State Government is seeking to expand alcohol management strategies across the Kimberley. The DGGIA has acknowledged the need for Government to work with the Indigenous community in the development of alcohol management strategies, and is committed to developing evidence based policy solutions to alcohol abuse.

Recommendation 12

A review of the impact of the implementation of the Gordon Inquiry recommendations in remote Indigenous communities be undertaken as part of the Government's Monitoring and Evaluation Framework of measurable outcomes and indicators to the Gordon Inquiry Report.

In July 2007, the Minister for Indigenous Affairs submitted to State Cabinet a monitoring report on the implementation of the Gordon Action Plan. The monitoring report provided the first comprehensive report on what has been achieved in progressing over 125 initiatives with a combined investment of \$116 million to address family violence and child abuse. Cabinet has endorsed the public release of this report.

Phase 1 evaluation of the 2002 Gordon Action Plan was completed in September 2007. A Government Response to the Gordon Action Plan evaluation has been finalised. Subject to Cabinet approval, the Response will be released together with the Monitoring and Evaluation reports.

Recommendation 13

The Yiriman Project should be supported by government and used as a model for similar projects in Indigenous communities in other remote regions of Western Australia.

The State Government recognises the value of the Yiriman Project and similar initiatives that connect youth, country and culture. Mechanisms such as the Aboriginal Justice Agreement Local Justice Forums may be used to engage with communities to determine how Government can best support Yiriman Project type initiatives.

Recommendation 14

The Department of Education should bring together the three educational systems offering educational programs in remote Indigenous communities to coordinate a 5-yearly program of the successful initiatives that can be offered to all children living in remote communities.

This recommendation is supported and meetings between senior representatives from the Department of Education and Training, the Catholic Education Office and the Association of Independent Schools will be convened to foster improved ongoing cooperative partnerships and assess the merits of a five-year plan. The meetings will provide the opportunity to share successful programs and resources to improve outcomes for remote Indigenous students and explore strategies to better support those remote students who frequently move between public and private schools.

The State Government is also working with the Commonwealth on the Coalition of Australian Governments Indigenous Reform agenda. This agenda includes measures to close the gap on Indigenous educational outcomes and aims to halve the gap for Indigenous students in reading, writing and numeracy within a decade.

Recommendation 15

The Committee recommends that an evaluation be conducted into the value to remote Indigenous communities of a state-based protected area program, similar to the IPA, including the potential to enter arrangements with the Commonwealth to attract further funding support for such a program.

This recommendation is supported. Such an evaluation will be required to be conducted in partnership, utilising appropriate peak Indigenous organisations. This is to ensure findings are thorough and representative.

The DIA has supported research into options for State involvement in the IPA concept, relating specifically to the suggestion of a state-based IPA program. Further, DIA has placed an officer in the Kimberley who works in partnership with the Kimberley Land Council Land & Sea Management Unit. Under a Memorandum of Understanding this partnership works to consolidate and develop the Kimberley network of IPAs. Likewise, this position also works to develop and implement the Kimberley Ranger Initiative, which seeks to provide long term, strategic, region-wide support to the network of existing and emerging ranger groups.

The evaluation could also include establishing the value to regional, remote Indigenous people of a State investment equivalent to the *Working on Country Program* (a Federal Indigenous Ranger program under the Natural Heritage Trust, now called the *Caring for Our Country Program*). These initiatives are complementary and support the development and delivery of multiple outcomes in the areas of preserving the natural-cultural environment, extending support in socio-cultural life, and creating economic development and career pathway opportunities with training and employment.

Recommendation 16

The current Inquiry by the Local Government Advisory Board into Local Government Service Delivery is encouraged to draw from WALGA's report *The Journey: Sustainability into the Future* and examine options for a collaboration with local, state and federal governments (including Regional Development Commissions and the Regional Development Australia committees) aimed at strengthening local government's engagement with Indigenous communities across regions. There is a need for the Board's Inquiry to identify legislative and administrative changes needed to support strengthening Indigenous representation and engagement in local government; and the funding frameworks needed for local government service delivery in remote communities and regions, commencing with an initial focus on the regions of the Western Desert, the

Kimberley and the Pilbara. The LGSB Inquiry should also specifically examine how these arrangements could be underpinned by purchaser-provider arrangements and streamlined service delivery by all three spheres of government. Inquiry recommendations should principally aim to both build on, and rationalise existing arrangements, but will also need to take full account of the views of local Indigenous communities and their varied history. Specifically, there is the opportunity for a new Western Desert Regional Development Commission to be immediately established. This new WDRDC would draw on the strengths and resources of existing regional structures of government and should develop increased levels of collaboration with the Indigenous communities across the region.

This recommendation forms part of the inquiry by the Local Government Advisory Board into Local Government Service Delivery that is currently in progress.

Recommendation 17

There are a number of further measures that need to be adopted by government to ensure DIA gains the necessary authority and credibility both within government and outside, to enhance Indigenous interests in WA. This requires a clear mandate from Cabinet to DIA to provide high level coordination of all State agencies in delivering an energetic whole of state government policy agenda in Indigenous Affairs; with the authority to recruit and train highly-skilled and capable staff. Consideration should be given to establishing a bi-partisan Implementation Commission, chaired by the Minister for Indigenous Affairs that includes appointments of key senior representatives of the Indigenous community, together with the most senior representatives of industry and the wider West Australian community, focused on securing progress in the advancement of Indigenous interests across WA.

In August 2007 the Premier, in Parliament, promoted two key directions for the Department of Indigenous Affairs (DIA) that establishes the agency as a key leader in the portfolio:

1. Reinvigorated commitment to the delivery of appropriate services to Indigenous Western Australians by harnessing current investment within State Government agencies and developing stronger accountability mechanisms through leadership in government outcomes; and,
2. Stronger concentration and improved support in the areas of land, heritage and culture through a stronger mandate and clear economic outcomes from Indigenous specific services.

DIA has since been restructured with a view to implementing the intent of the Premier's announcement.

In addition, DIA is in the process of establishing an Aboriginal and Torres Strait Islander Advisory Council (ATSIAC) and has recently completed consultations across the State

with 200 key Indigenous stakeholders including the Chairs and/or representatives of existing Aboriginal advisory groups.

It is intended ATSIAC will be an advisory council to DIA, but also have direct linkages to the DGGIA and the Cabinet Standing Committee on Indigenous Affairs. It is also intended to establish mechanisms that will enable ATSIAC members to share information and consult with other Indigenous people.

DIA is currently finalising the ATSIAC terms of reference, membership profile, governance issues, selection criteria and selection process. It is intended to hold the first ATSIAC meeting by the end of 2008.

Recommendation 18

That WA Treasury is requested to report annually to the WA Parliament on the levels of Indigenous access and equity to Government programs delivered by all relevant WA agencies.

The State Government is supportive of annual reporting to the WA Parliament on Indigenous issues. Reporting mechanisms and agency responsibility will be considered in the consultation process to develop the State Plan on Indigenous affairs.

Recommendation 19

The WA Government should encourage the CGC to create a new category of funding for remote Australia which addresses capital investment needs and ties funds to the needs identified in the region, but only on the basis that these funds are expended in response to the needs identified by communities in those remote regions. WA Government should also pressure the Commonwealth to reform its current local government funding arrangements by moving from a per capita to a needs based formula that better responds to the needs of regional and remote communities.

This recommendation has merit, however it should be noted that the Commonwealth Grants Commission makes recommendations regarding the distribution of the GST funding, it does not provide funding for specific purposes. The pursuit of Commonwealth funds for specific capital investment in remote Indigenous communities is supported.

Local Government financial assistant grants are distributed amongst the States on an equal per capita basis. It is unclear whether a move away from an equal per capita distribution of local government financial assistance grants would lead to an increased share for Western Australia.

The Western Australian Local Government Grants Commission has the role of distributing funds within the States and uses a 'needs based' formula. However, the Government is interested in any reforms to local government financial assistance grants

that would improve the viability of regional and remote communities. It notes that the Productivity Commission's recent report into *Assessing Local Government Revenue Raising Capacity* suggests that 'given the differences in the scope to raise additional revenue across different classes of councils, there is a case to review the provision of the Australian Government general purpose grants to local governments'.

Recommendation 20

A comprehensive whole of state government policy approach is required to maximize Indigenous employment, training, business, and investment and wealth management opportunities from the current resources boom. This includes addressing the pre-requisites for linking Indigenous communities to employment in the resource sector (eg accommodation for training and initial employment) and encouraging greater engagement by the financial services sector in delivering products and services that facilitate long term investments, wealth creation and business and joint venture opportunities.

This recommendation is supported and will be considered in the context of the development of the State Plan on Indigenous affairs.

Recommendation 21

The State Government should negotiate a partnership agreement with the Commonwealth, relevant regional bodies and industry that commits all the parties to a long term investment strategy that provides the necessary resources to enable Indigenous labour supply to be matched to regional demand.

The State Government is already working in partnership with the Commonwealth Government, industry and relevant regional bodies in implementing three Regional Partnership Agreements (RPAs) around Indigenous employment in Port Hedland, the East Kimberley region and the Ashburton/Roebourne sub region. The current focus of the RPAs is work readiness training and building the capacity of regional Indigenous organisations to deliver and/or coordinate this training.

Port Hedland – Bloodwood Tree Association (BTA), a not for profit Indigenous organisation, has been engaged by government to coordinate and/or deliver work readiness training to Pilbara Indigenous people. The original target for the first year of the RPA was 95 people work ready. However, between April 2007 and April 2008 BTA trained 147 people to be work ready and then placed in employment. All but two people have remained employed since their training. In year two of the RPA the agreed target between BTA and government for completing work readiness training is likely to be 200 people.

As the individuals undertaking work readiness training are largely the "long-term unemployed" there are significant challenges in achieving success. These challenges

include obtaining drivers licences, overcoming drug and alcohol dependency and improving numeracy and literacy skills. The majority of individuals who complete work readiness training have gained employment in either the service economy or the mining industry.

East Kimberley – The current target for work readiness training under the East Kimberley RPA is 100 people. The Wunan Foundation Inc, a not for profit Indigenous organisation based in Kununurra is partnering with government in this task. It is recognised that the mining industry in the East Kimberley has been proactive in recruiting Indigenous people and that future employment opportunities lie in other sectors such as agriculture, tourism and the hospitality industry.

One of the challenges with the East Kimberley RPA is that most employment opportunities are based in Kununurra, whereas most Indigenous people live elsewhere. In recognition of this the Commonwealth Government has provided \$10 million for new accommodation facilities in or around Kununurra. This accommodation will be for Indigenous people both in the work readiness phase and once employed.

Ashburton/Roebourne – Under the Ashburton/Roebourne RPA the State Government has negotiated with the Ashburton Aboriginal Corporation and Marnda Mia Aboriginal CNC Pty Ltd to deliver work readiness training for 132 people in the first year of this agreement. Marnda Mia's work readiness training will not commence however until the necessary infrastructure is in place to accommodate the required new staff. Rio Tinto have provided funding to Marnda Mia for the purchase of an existing building in Roebourne to serve as an office complex. The State Government is providing funds for the fit out of this building.

All three of the above RPAs have been endorsed by State Cabinet. Additional agreements are being developed for Wiluna and Boddington/Peel. A Western Desert Agreement that takes in the East Pilbara around Newman is also being considered.

Recommendation 22

This Committee recommends that changes be made to both sentencing laws and prison education programs to create and encourage opportunities and incentives for prisoners to earn earlier release in response to effective engagement in education and training and preparation for employment through job readiness programs.

Under the current legislation, the court has the power to grant parole eligibility. If a prisoner is eligible for parole, the Prisoners Review Board determines when most prisoners will be released provided they have reached their earliest eligibility date set by the *Sentence Administration Act 2003*. A prisoner who is not eligible for parole is eligible for re-entry release to facilitate his/her reintegration to the community.

In deciding whether or not to grant a prisoner early release, the Board will take into account the viability of the prisoner's release plan, which includes prospective employment. As a further release consideration, section 5A (f) and (g) of the *Sentence Administration Act 2003* requires the Board to consider program participation and performance.

The Department of Corrective Services' (DCS) draft Strategic Plan for 2008-2011 prioritises the acquisition of employment relevant skills and qualifications for prisoners as a key strategy in reducing re-offending. The following programs and legislative provisions are currently being implemented by DCS.

In 2006, the *Prisons and Sentencing Legislation Amendment Act 2006* amended provisions in Part VIII of the *Prisons Act 1981* which provided for authorised absences from prison. The previous provisions dealt only with absences related to compassionate reasons (eg funerals) and rehabilitation, (through prison based work release, home leaves and participation in activity programs external to a prison), and were heavily dependent on Ministerial approval and in some cases, approval by the Governor.

The new provisions outline four objectives of absence provisions - rehabilitation; compassionate/humane treatment; medical or health treatment; and furtherance of the interests of justice, and enable the CEO to grant permits for these purposes. Provision is included for a permit to be made in respect of more than one prisoner or more than one period of absence, so as to cover a group of prisoners being absent from the same work party for the same period.

Prisoner Employment Program

The Prisoner Employment Program provides minimum security prisoners with the opportunity to engage in meaningful and sustainable paid employment, work experience, vocational education and training in the community three months prior to release. The education and training targets areas where labour opportunities exist. Employment Coordinators will be located in eight prisons. Their role will be to assess a prisoner's needs and develop a program which includes skills training, job seeking techniques and other personal development training to assist prisoners prepare for meaningful employment. Expenditure in 2008/09 will be \$389,983.

Pre-Apprenticeship Programs

The first group of prisoners at Wooroloo Prison Farm have just graduated from a pre-apprenticeship training program. The Program was trialled at Wooroloo Prison Farm and entailed a 12 week pre-apprenticeship course in bricklaying, conducted by training provider Silver Trowel. The Minister for Corrective Services has recently announced that the program will now be introduced at the Eastern Goldfields Regional Prison.

Transitional Managers

The appointment of a Transitional Manager at each adult prison is currently being undertaken as part of the reducing imprisonment strategy. Transitional Managers will be responsible for:

- Coordinating and facilitating services for offender re-entry;
- Identifying new and additional services required; and
- Providing the link between information and advisory services to prison management, staff, offenders, other Government agencies, and not-for-profit service delivery agencies.

Aboriginal Cognitive Skills Program

DCS is developing an Aboriginal Cognitive Skills Program designed to assist prisoners and released offenders develop their reasoning and decision-making skills.

DCS has recently evaluated two programs within the Reduction of Indigenous Imprisonment Strategy that operated several years ago, and found that for an employment program to be successful for Indigenous prisoners it must have Indigenous input and be specific to the employment market of a region. These findings have been used in the development of subsequent programs.

Recommendation 23

The WA Government identify innovative ways to extend public housing provision to remote communities and regions in ways that ensure:

- secure tenure (and thereby opens up opportunities for encouraging private investment in partnership with the State Housing Authority);
- robust tenancy and maintenance arrangements;
- simplification and streamlining of current funding program channels;
- provision of public housing (with associated access to public borrowings which leverage financial allocations in State Housing authorities);
- a focus on geographically targeted investment (rather than spreading resources thinly);
- policy pathways for Indigenous people to purchase or part purchase rented homes; and
- local Indigenous organisations take on outsourced tenancy management roles for the WA State Housing authority (i.e. create local employment opportunities).

The State Government is exploring innovative ways to extend provision of housing in remote communities in various ways identified in this recommendation.

1. Secure tenure

The State Housing Authority and the Aboriginal Lands Trust (ALT) have signed a Memorandum of Understanding that provides the mandate for the DHW to manage housing on the Aboriginal Lands Trust Estate until such time as land tenure legislative reforms can be implemented.

DHW is working closely with the DIA to achieve these reforms. DHW will also undertake joint ventures with other parties where there is an opportunity to do so.

2. Robust tenancy and maintenance arrangements

DHW Aboriginal Housing Services has adopted new directions in service delivery which includes a shift in housing management services arrangements from a grants arrangement with service providers to a contract management framework. This enables DHW to identify agreed standards to better provide and improve service delivery to tenants, including regular maintenance and improved tenancy arrangements. This includes working with tenants through the In Home Practical Support Program. DHW is currently developing a number of support services and programs to support more sustainable tenancies.

3. Simplification and streamlining of current funding program channels

DHW is currently in negotiation with the Commonwealth over future funding arrangements for the new housing and infrastructure bilateral agreement and supports any steps towards simplifying State/Commonwealth funding program channels.

Within DHW, Aboriginal Housing Services is currently reviewing its funding arrangements and processes to improve housing service delivery and improved accountability.

4. Provision of public housing (with associated access to public borrowings which leverage financial allocations in State Housing authorities)

The DHW is currently examining a number of funding and service delivery models to inform negotiation of the new National Affordable Housing Agreement (NAHA). The draft NAHA framework includes specific outcomes in relation to remote Indigenous housing such as the supply of rental houses and home ownership. The NAHA is expected to be negotiated by the end of the year through the Council of Australian Governments (COAG).

5. A focus on geographically targeted investment (rather than spreading resources thinly)

The State Government supports this approach. WA is keen to work in identified regional strategic areas. The former sporadic approach of providing houses means that the need continues to grow, encouraging overcrowding and the commensurate need for major repairs and maintenance.

DHW, through its planning, is looking to better target its resources rather than spreading it thinly, as suggested, to those communities that demonstrate sustainability. This includes assessing housing and infrastructure needs, capacity and potential future growth

and development. This is being applied to both new construction of housing and infrastructure.

By taking a regional approach, WA will roll out a process that is based on verifiable information that identifies the need within a regional area. This will allow DHW to work with the people's movements in and around the regional area. This will eliminate the building of housing to respond to short term high pressure demands in particular areas. New housing will be constructed in areas that will continue to be used in the longer term. The key points are:

- Developing agreements with the Native Title holders and/or residents and/or Aboriginal corporations where required to enable DHW to manage the housing. These agreements are likely to be needed even after legislative amendments as the amendments require agreement.
- Enabling increased development of new housing and infrastructure, possibly in the form of Indigenous Land Use Agreements.
- Understanding the extent of housing need and upgrades required using the information gathered from the stock audit.
- Ensuring that tenancy agreements are in place and verifying the extent of housing need using the numbers of residents in housing.
- Ensuring there is a waiting list in place that includes people's preferred locations.
- Ensuring the linkages to sustainability for locations of growth.
- Addressing the continuum of tenant needs through tenant support services.

The provision of essential services, infrastructure and housing to remote communities is prioritised by DHW and is focussed on remote Indigenous community housing.

6. Policy pathways for Indigenous people to purchase or part purchase rented homes

DHW supports home ownership through various home loan packages. Tenants can purchase a share in their rental property through the following loan schemes:

- Keystart Low Deposit Loan
- First Start Shared Equity Scheme
- Goodstart Shared Equity Scheme
- Access Shared Equity Scheme
- Aboriginal Shared Equity Scheme
- Sole Parent Shared Equity Scheme
- The Restart Scheme

Indigenous people can also apply for housing loans through major financial institutions and Indigenous Business Australia.

The current focus for increasing home ownership is in regional and urban centres where families will be able to build their capital and use this as a base to improve their economic situation.

7. Local Indigenous organisations take on outsourced tenancy management roles for the WA State Housing authority (i.e. create local employment opportunities)

DHW supports outsourced tenancy management arrangements such as proposed above.

In 2006/07 DHW implemented an Indigenous housing reform agenda to improve housing services and service delivery arrangements.

Under current arrangements DHW has contracts and grant agreements with 8 regional service providers and 15 Indigenous communities to manage more than 2,200 Indigenous houses located in 120 communities throughout the State. 105 of these communities receive an external housing management service from a regional service provider.

In 2008/09 DHW is planning to consolidate the number of Indigenous Community Housing Organisations from 28 to 9 regional service providers located in Kununurra, Halls Creek, Fitzroy Crossing, Derby, Broome, Port Hedland, Geraldton, Kalgoorlie and the Ngaanyatjarra Lands. The regional service provider model has realised a number of housing outcomes over the 12 months to June 2007 including:

- Increased rental collections from \$4.2 million to approximately \$6.1 million
- Increased rental expenditure on maintenance from \$1.1 million to approx \$4.2 million
- 90% of tenants signed to tenancy agreements
- 80% of tenants signed to direct debit for rent payments
- 5 Indigenous Housing Officers completing Certificate III and IV in Social Housing
- Economies of scale in appointing contractors to undertake works due to centralising resources to regional service providers
- Coordination of Housing Management Services and In Home Practical Support (Homemaker) services
- Stable Governance Structure including Board and CEO due to location in larger regional centres
- Attraction and retention of skilled staff
- Ability to train and employ Indigenous staff due to attaining a critical mass in servicing multiple communities.

The extension of public housing also provides additional opportunities for Indigenous building companies or subcontractors to be engaged. It is considered appropriate that as part of any innovative proposal the engagement of local Indigenous people in the construction of dwellings be included.

Recommendation 24

If WA is to fully avail itself of the emerging opportunities at a Commonwealth level in relation to Indigenous housing, it should seek an expedited review of tenure issues in relation to major Indigenous townships (i.e. town-based leases and subdivisions), taking into account developments in other jurisdictions. It should also take every opportunity to identify other related tenure options for facilitating economic opportunities for the 15,000 Indigenous Western Australians currently resident on ALT-owned lands, and pastoral leases and other lands owned by Indigenous interests.

The State Government supports changes to land tenure that would enable the DHW to manage housing on Crown land and enable other opportunities such as home ownership. DHW is working closely with the DIA to achieve these reforms:

1. Reaching agreement with the ALT for a Memorandum of Understanding between the Housing Authority and the ALT to provide an interim mandate arrangement for the management of houses on the ALT Estate until such time as land tenure legislative change can be effected.
2. DIA and the State Solicitor's Office are working on amendments to the *Aboriginal Affairs Planning Authority Act 1972*, *Housing Act 1980* and *Land Administration Act 1997*. The amendments cover management of housing and forms of home ownership. The amendments will comply with conditions established by the WA Government including:
 - a. Current Aboriginal ownership and vesting of the land will be maintained.
 - b. The Housing Authority will be appointed the legal agent of the landowner for the purpose of managing the housing in Indigenous communities.
 - c. Individual Indigenous communities will need to agree on the implementation of the public housing model.
3. The home ownership amendments proposed include strengthening the powers of the ALT to grant long term leases, enable those leases to be used as security, and lessen the Ministerial consents that apply to transfer of leases and mortgages.

The anticipated time line is to have drafting instructions completed by the end of 2008.

Indigenous communities already occupy land on a range of tenures. ALT land may be leased to community corporations, which may have a pastoral lease, have a management order on crown land or have freehold land. DHW is developing a data base of the land tenure arrangements of Indigenous community housing. It is expected that this information will be completed by the end of 2008.

One of the key roles of the recently announced Indigenous Pastoral Enterprise Development service (IPED) is to investigate and resolve (where at all possible) tenure issues associated with Indigenous use of pastoral leases. Although this is primarily directed at fostering economic development, IPED will also be working with the Department of Planning and Infrastructure's (DPI) State and Regional Policy Directorate and State Land Services Business Unit to resolve tenure issues associated with communities that exist on pastoral leases i.e. without appropriate underpinning tenure. Although these issues exist across a number of lease holders, the IPED team is meeting with appropriate ALT staff to progress these matters specifically on ALT held land.

The State Land Services Business Unit, as part of a DPI wide initiative, has undertaken a comprehensive review into substantive equality measures relating to Indigenous people and their need for Crown land.

As part of State Lands' processes regarding the release of Crown land, a separate land release process to better suit Indigenous people has been examined. Funding is currently being sought to employ a Substantive Equality Project Officer to develop the processes and procedures for improved liaison and quality assured processes to assist Indigenous people with their applications for Crown land.

In addition, Community Layout Plans provide clear guidance regarding recommended future lot layout. Where appropriate, Community Layout Plans include recommended improvements to existing tenure arrangements. It has been commonplace for some time for the Western Australian Planning Commission to refer Community Layout Plans that include recommended tenure changes to the appropriate agency (usually DPI, ALT and/or Pastoral Lands Board) for action following its endorsement of the Plan.

Recommendation 25

Apart from the FIM model already examined and recommended by this Committee, consideration might be given by the WA Government to working with the Commonwealth to assist the Traditional Credit Union to extend its services to selected communities and townships in WA.

The State Government is supportive of initiatives that improve access to banking services in regional and remote Indigenous communities. Whilst the State is unable to commit to the specific task of extending the Traditional Credit Union services to Western Australia at this point in time, it will be considered in the future.

Recommendation 26

WA should give consideration to both encouraging and joining with the Commonwealth, and other jurisdictions, in the development of a more systematic approach to 'train the trainer' programs and initiatives aimed at improving the governance capacity of Indigenous organisations.

This recommendation is supported. Train the trainer programs and other initiatives aimed at improving the governance capacity of Indigenous organisations have been discussed by the Bilateral Agreement on Indigenous Affairs' Strong Leadership and Governance Senior Officer Group (SOG). Initiatives aimed at improving the governance of Indigenous organisations will be addressed as part of the SOG's Action Plan.

Recommendation 27

That the WA Government move to establish a healthy living centre (HLC) program, with a more detailed Implementation Plan prepared by relevant State and Federal agencies. The key features of the HLC program will include family training programs, home maker support services, healing centres that tackle alcohol and drug addictions, as well as responding to the needs to reunite families and communities following the trauma of violence and abuse. Extending beyond the arena of social support services, the healthy living centres will help establish practical and tangible linkages to training programs and employment opportunities, as well as sport and recreation, and links to opportunities for economic development and private sector activities within each region.

This recommendation has merit in that it recognises the social health of an Indigenous community is dependant on many different yet interrelated factors. However the resources required to establish Healthy Living Centres (HLC) in individual towns and Indigenous communities throughout the State is untenable. Recruiting HLC coordinators with appropriate skills and experience, as indicated in the report, would also be extremely difficult in the current economic climate.

Many features of the proposed HLCs are currently provided by government and non-government organisations in priority locations throughout the State. For example, DHW provides the In Home Practical Support Program (previously known as the Homemaker Service) to households that are willing to participate in the program. In 2007/08 DHW provided grants totalling \$850,000 to a number of organisations to provide this service.

Under the *Safer Communities Safer Children* model endorsed by the DGGIA there is an emphasis on agreed and coordinated government action to address issues arising from the disclosure of child abuse in Indigenous communities. The model is based upon a phased approach of (i) Initial Response, (ii) Recovery, and (iii) Ongoing Community Building.

It is acknowledged however, that improved and targeted services addressing Indigenous disadvantage is an ongoing challenge for the State Government. The State Plan on

Indigenous affairs, currently in development, will take into account the issues raised in the above recommendation.